

CLARK J. GUILD: MEMOIRS OF CAREERS WITH NEVADA BENCH AND BAR, LYON COUNTY OFFICES, AND THE NEVADA STATE MUSEUM

Interviewee: Clark J. Guild

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Description

Clark Joseph Guild was born in Nevada in 1887. He is best known for his long career as a district judge and as the founder of the Nevada State Museum. Clark Guild's life was a long, distinguished one. In his oral interview, he recounts in rich detail his boyhood days in Dayton, his experience as a young man in mining and railroading, his attendance at the University of Nevada for a short period, his becoming a lawyer and district attorney of Lyon County, and his years on the District Court bench.

Guild's years of service as district judge are the most interesting to scholars. Especially valuable and fascinating is the material dealing with the George Wingfield bank receivership hearings, where Guild served as the presiding judge at Carson City. Judge Guild was also particularly interested in and nostalgic about railroad abandonment cases, since he had worked on the Colorado and Carson Railroad.

Perhaps the most illuminating part of the interview is the valuable information Judge Guild provides concerning his role in organizing and funding the Nevada State Museum in 1939, the beginnings of the various exhibits, and the relationship he cultivated with Major Max C. Fleischmann.

Clark Guild represents a decent part of Nevada history, with his work in helping to combat juvenile delinquency and his rich friendships and associations. This document will be of interest and value to scholars who are interested in many segments of Nevada life, particularly to those interested in the Nevada State Museum, railroad abandonment cases, and the Wingfield Bank receiverships. It provides information concerning an unusually rich and varied life.

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An Oral History Conducted by Mary Ellen Glass

University of Nevada Oral History Program

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PREFACE TO THE DIGITAL EDITION

Established in 1964, the University of Nevada Oral History Program (UNOHP) explores the remembered past through rigorous oral history interviewing, creating a record for present and future researchers. The program's collection of primary source oral histories is an important body of information about significant events, people, places, and activities in twentieth and twenty-first century Nevada and the West.

The UNOHP wishes to make the information in its oral histories accessible to a broad range of patrons. To achieve this goal, its transcripts must speak with an intelligible voice. However, no type font contains symbols for physical gestures and vocal modulations which are integral parts of verbal communication. When human speech is represented in print, stripped of these signals, the result can be a morass of seemingly tangled syntax and incomplete sentences—totally verbatim transcripts sometimes verge on incoherence. Therefore, this transcript has been lightly edited.

While taking great pains not to alter meaning in any way, the editor may have removed false starts, redundancies, and the “uhs,” “ahs,” and other noises with which speech is often liberally sprinkled; compressed some passages which, in unaltered form, misrepresent the chronicler's meaning; and relocated some material to place information in its intended context. Laughter is represented with [laughter] at the end of a sentence in which it occurs, and ellipses are used to indicate that a statement has been interrupted or is incomplete...or that there is a pause for dramatic effect.

As with all of our oral histories, while we can vouch for the authenticity of the interviews in the UNOHP collection, we advise readers to keep in mind that these are remembered pasts, and we do not claim that the recollections are entirely free of error. We can state, however, that the transcripts accurately reflect the oral history recordings on which they were based. Accordingly, each transcript should be approached with the

same prudence that the intelligent reader exercises when consulting government records, newspaper accounts, diaries, and other sources of historical information. All statements made here constitute the remembrance or opinions of the individuals who were interviewed, and not the opinions of the UNOHP.

In order to standardize the design of all UNOHP transcripts for the online database, most have been reformatted, a process that was completed in 2012. This document may therefore differ in appearance and pagination from earlier printed versions. Rather than compile entirely new indexes for each volume, the UNOHP has made each transcript fully searchable electronically. If a previous version of this volume existed, its original index has been appended to this document for reference only. A link to the entire catalog can be found online at <http://oralhistory.unr.edu/>.

For more information on the UNOHP or any of its publications, please contact the University of Nevada Oral History Program at Mail Stop 0324, University of Nevada, Reno, NV, 89557-0324 or by calling 775/784-6932.

Alicia Barber
Director, UNOHP
July 2012

INTRODUCTION

Clark Joseph Guild was born in Nevada in 1887. He is best known for his long career as a district judge and as the founder of the Nevada State Museum. Professor Jerome Edwards's introduction to this oral history outlines and evaluates Judge Guild's contributions to his native state.

Then he was invited to participate in the Oral History Project, Judge Guild accepted graciously, if somewhat reluctantly. He was a cooperative and enthusiastic memoirist through eight interviews, all held in his home in Carson City, between May and October, 1967. Judge Guild's review of his oral history, interrupted by several serious illnesses, resulted in few important changes to the text or language of the script.

The Oral History Project of the University of Nevada, Reno, Library preserves the past and the present for future research by tape recording the reminiscences of persons who have figured prominently in the development of Nevada and the West. Scripts resulting from the interviews are deposited in the Special

Collections departments of the university libraries at Reno and Las Vegas. Judge Clark J. Guild has designated his oral history as open for research.

Mary Ellen Glass
University of Nevada, Reno
1971

SPECIAL INTRODUCTION

Clark Guild's life has been a long, distinguished one. A native of Nevada, he recounts in rich detail in this oral interview his boyhood days in Dayton, his experience as a young man in mining and railroading (where he lost a leg in an accident), his attendance at the University for a short period, his becoming a lawyer and district attorney of Lyon County, and eventually his years on the District Court bench.

One way to describe this interview is that it is replete with fond reminiscences. Judge Guild is a talented raconteur, with a huge fund of anecdotes filled with family and professional memories, and delivered with style. It is indicative that one of the chapters is aptly called, "Some of My Favorite Stories."

The years of service as district judge are, of course, the most interesting to scholars. Especially valuable and fascinating, to this reader at least, is the material dealing with the George Wingfield bank receivership hearings, where Guild served as the presiding judge at Carson City. Judge Guild, who calls this his hardest job, strongly defends Wingfield's

integrity, stating that the bankruptcy "wasn't Mr. Wingfield's fault entirely." In summation, Judge Guild believes that the whole affair "strengthened the confidence of the people in banks," and gave the state of Nevada some much needed lessons in the relationship between state and federal banks.

Since Judge Guild had worked on the Colorado and Carson Railroad, he is particularly nostalgic in that chapter dealing with railroad abandonment cases. "It couldn't survive," he states in analyzing one railroad's plight. "We knew that, but they put up a hard fight to save it, but you can't operate a railroad in the red and do it very long." In analyzing his emotions, he adds, "My heart was just as full, and my sympathy with the people down there, but you don't deal in sympathy when you are on the bench. You've got to forget it, and if you can't forget it, you've got no business being a judge."

Perhaps the most illuminating part of the interview is the valuable information Judge Guild provides concerning his role in organizing and funding the Nevada State

Museum in 1939, the beginnings of the various exhibits, and the relationship he cultivated with Major Max C. Fleischmann.

Taking this oral interview as evidence, Judge Guild is a spry, alert octogenarian who has served his state well. He represents a decent part of Nevada history, with his work in helping to combat juvenile delinquency and his rich friendships and associations. "Next to my family, my friends are the greatest achievement I ever made." In a fitting valedictory he affirms his pride in his state: "I'm a native Nevadan. I love my state; I love every inch of it."

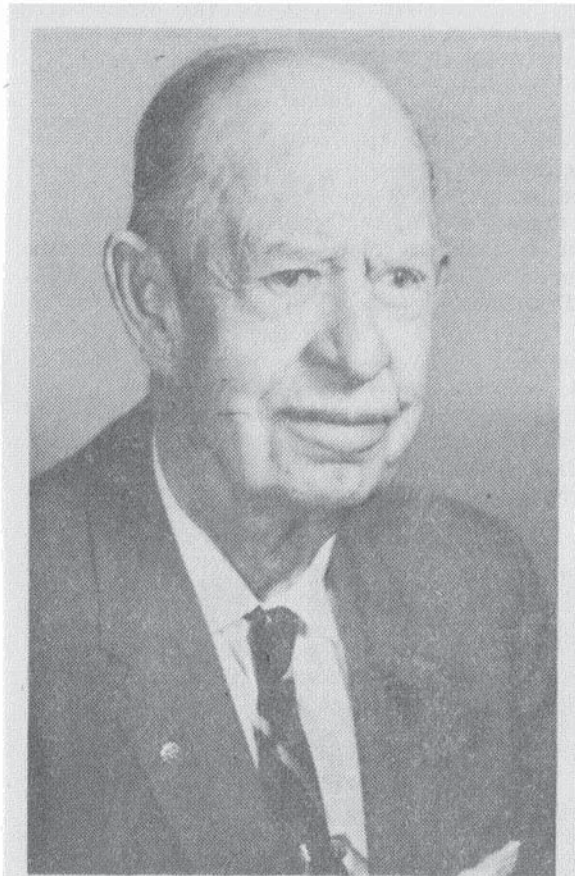
This document, I am sure, will be of interest and value to scholars who are interested in many segments of Nevada life, particularly to those interested in the Nevada State Museum, railroad abandonment cases, and the Wingfield Bank receiverships. It provides information concerning an unusually rich and varied life.

Jerome Edwards
Associate Professor of History
University of Nevada, Reno
1971

DEDICATION

I wish for this oral history to be dedicated to my wonderful family—my beloved wife, Lennan L. Guild, my daughter, Mrs. Marjorie Russell, my son, Clark J. Guild, Jr., my grandchildren and my great-grandchildren in the hopes that each of them will gain from my life experiences some profit and perhaps enlightenment.

Judge Clark J. Guild



JUDGE CLARK J. GUILD

FAMILY BACKGROUND AND EARLY LIFE

My father, Lucius A. Guild, was born in Cattaraugus County, New York. The county seat was named Little Valley. He was born August 23, 1838. His parents were of Scotch descent. They died at an early age and he went then to live with his sister, his oldest sister, Mrs. Hattie Green, in Sheboygan, Wisconsin. With his brother, Henry, the two of them in their younger years immigrated across the great plains and went first to California and then back to Dayton, Nevada. Dad settled there and remained for the rest of his life.

My mother was Maria Wheatley. She was born in Derbyshire, England, on October 13, 1849. She left England with her parents (her mother's maiden name was Varley) and immigrated to Salt Lake City. Her brother, Thomas Wheatley, older than she; her brother, Abraham Wheatley, also older than she; and her sister, Emma, were with the family that immigrated to Salt Lake City. From Salt Lake City, they immigrated across the plains to Dayton. And it's interesting to note that my mother and her older brother, being the oldest, had to walk most of the way from Salt

Lake City to the town of Dayton. I've heard them relate the hardships that they had many times. Father and Mother were married on the tenth day of June, 1866 in Dayton, Nevada. My father was a carpenter and mill man by trade. Before they were married, they spent quite a bit of their time at Fort Churchill. Father had a friend named Samuel Buckland, who owned the Buckland ranch at Fort Churchill. They were such good friends that Mr. Buckland succeeded in having Dad patent a part of his land for him—a hundred and sixty acres in my father's name. They used to attend the dances and stay at the Buckland ranch. They were very, very great friends.

There were quite a family of us born. I am the youngest of eleven children. I had six brothers and four sisters. My oldest brother, George Calvin, was born on the twelfth of March, 1867. My sister, Hattie, was born in 1869. My brother, Lucius, Jr., was born October 2, 1870. My sister Maudie was born March 18, 1873. I skipped there Walter, who was born on the first of January, 1872, but died in infancy. Then Oliver, my brother,

was born on the twenty-first day of October, 1875, and my sister, Lucy, on the twenty-ninth day of August, 1878. My brother William was born on the fourteenth of February, 1879 (we always called him our "big brother Valentine"). My sister Clara was born on the twenty-eighth day of July, 1882, my brother Henry on the fourth day of April, 1884. And I was born on the thirteenth day of March, 1887.

My sister Hattie was married to Fred W. Fairbanks in 1897. He was the editor of what was then the *Lyon County Times*, which was known later, when moved to Yerington, as the *Mason Valley News*. And my sister Maudie was married to George Slingland, a teamster and a woodman in Dayton. My sister Lucy was married to a painter and paperhanger named Edward Markwell. My sister Clara was married to George J. Eglin, a teamster and a mining man, the foreman of some mines. He died, and she moved to Carson City from Dayton and kept house for me until I remarried. She now lives in a cottage to the rear of my home. My brother Lucius was married to an Agnes Segers. Lucy was married, after having left Mr. Markwell, to a man by the name of Chris Buckley, July 3, 1912. My brother Henry was married to Alice Reymers Smith at Yerington, Nevada, on the twenty-eighth of November, 1912. I was married first to Virginia Carroll of Yerington, August the sixteenth, 1914. She died July 19, 1930. I married Cherie A. Mollart Stout January 1, 1934. we were divorced. Then my present wife, the former Lennan L. Scott, and I were married on the eleventh of April, 1956.

My brother, Walter, as I say, died very early in life. My brother George Calvin died very early in life, at the age of twenty-three, of pneumonia. My brother Oliver died on the twenty-fourth of March, 1899. And my sister Hattie died on the twenty-third day

of January, 1906. Dad passed to his reward on the sixteenth of October that same year. My brother William was injured in a mine and recovered, but died of cancer on the nineteenth of May, 1914. And Mama died on the tenth day of April, 1921.

Most of these marriages resulted in some families, although my sister Hattie had no children. Lucius married a widow woman with two children, which he adopted. Will was never married and neither was Ollie. And to my marriage, there were born two children. Marjorie lost her mother very early in life, and that left me with she and Clark, Jr. She was only fourteen at the time. Junior was born May 14, 1921, and he was five years younger than Marjorie. I sent Marjorie after her mother's death (she was in school at Yerington) to Castilleja finishing school in the hopes, being planted near Palo Alto, to make a lawyer out of her. But that didn't work out. They rushed her for Mills College, and there she took drama and music. she graduated from Mills College and later returned to Nevada and taught school at Gold Hill and then went to Ely. She taught school at Ruth, Nevada, where she met her husband, Charlie Russell.

Clark, Jr., I sent to military school, the San Diego Army and Navy Academy, where he graduated and then came home and entered the University of Nevada. He graduated from the University of Nevada about the time of the entry of World War II.

He had had quite a serious accident here in Carson City, about August '41. He was working a mill at Silver City and he and young Ambus Archer come home and were going to Lake Tahoe and take a swim. He only had on his trunks. He had a Ford car. This woman drove into him and knocked him from the car to the curb, broke his leg quite badly. He was in the hospital in Reno for better than

five months, and then brought home, into this room, for another three or four months. Blood poison had set in and they had to let the leg heal without setting it—the bone, the femur bone. When he got so he could go back to school, the boys at the ATO house carried him back and forth to the car and up to classes. He later was taken to Sacramento by Dr. Thom, his physician, here in Carson. They broke the femur bone open again and set his leg. And fortunately, he had a very, very small lift in his shoe, an eighth of an inch. So he's been able to play golf and other exercises. He used to be quite a football player at Army and Navy and also at the University of Nevada. You'll see pictures in the room here of him. He went into the World War II as a second lieutenant and came out a captain on promotion.

He then joined Senator McCarran's office force in Washington, D. C. Senator McCarran, being on the Senate Judiciary Committee, it was very advantageous for Clark, Jr. to be in that kind of situation while he went to Georgetown law school and graduated there from it. His experience with Senator McCarran in that Judiciary Committee was most valuable to him. It perhaps laid the foundation for him becoming—I believe—one of the finest lawyers in Nevada.

I am very proud of my children and their families. My daughter has four sons and one daughter. My son and his wife have three sons and one daughter. The Russell boys, the oldest, Clark Russell, graduated from the University of Nevada. Then he went to a special school in Phoenix, Arizona, on export and import business. He learned that and went with Dun and Bradstreet. From there he resigned and went with the Humble Oil Company, thinking that his chances of advancement were much better. And from the Humble Oil Company, he was appointed this year by Governor Laxalt to head the economic development program

in Nevada. He's had a lot of experience. He's married to a wonderful girl from Nebraska, named Jennifer. They have one child.

By reason of Governor Russell having been the agent for the United States government in Paraguay for three years, he moved his family to South America. Virginia [Russell] took Spanish and learned to talk very fluently. After they came back from South America, she went into the flying service. She was an airline hostess from New York to South America for three years. She resigned that position to marry a schoolteacher, Edwin Sakal, in Hamilton, New York, and last August 20, 1966, she gave birth to a son, which makes me a great grandfather.

Marjorie's two oldest boys graduate from the University of Nevada in June, 1968. Charles David was the student body president. They were both in the ROTC, both majors. Clark G. graduated last June, 1967. Robert Craig is a member of the Coffin and Keys and very highly advanced as the head in that organization. And James Todd is a junior.

Clark's [Jr.] oldest boy, Clark J. Guild III, is at the University of Nevada, having graduated from the Army and Navy Academy, also. It's the Army and Navy Academy at Pacific Beach moved to Carlsbad. He and Dan E., the next boy, both graduated down there, and Jeff, the third boy, finished one year down there. Joe is now a senior (we call him Joe, Clark J. III—there is too many Clarks in the family, you know) in the University of Nevada. And Dan is a junior. Jeff S. is a sophomore at the University of Nevada. And little Jann C. is a freshman at the University of Nevada. And by the way, she has taught swimming at the Reno YMCA, at her age. They're very proud of her there on the staff.

My son Clark was president of the Reno YMCA three or four years ago, at the time when they built the wonderful addition, and

he's been on the board of directors ever since. I am also a sustaining member of the Reno YMCA. I'm very fond of that, because in my railroad career, which I'll tell you of later, I was a member of the Pocatello YMCA. In all my life I've been very, very much attracted—and glad that my children have been attracted—to the YMCA.

Another thing that I wanted to mention about my brothers in the family history—Cal, as I said, died very early and so did Ollie. Both my brother William and my brother Oliver were in the Spanish-American War. They were in the First Battalion, Infantry, of the Nevada Volunteers in 1898. They were camped here at Carson City for a long time. And as a boy, I used to come over here. They never saw active service, however. The war was over before they got called into duty. And then they went back at their labors and their vocations.

My brother Will followed mining in Silver City and in Como. He was accidentally hurt on a rock out of an ore chute in one of the mines in Como, and while it didn't show permanent injury, later on in life when he was one of the guards at the smelter at Wabuska, the Thompson Smelter, it developed through the years that this injury that he had received had developed cancer. And he died at my home in Yerington.

I was very young, but I owed, and my brothers and sisters owed, a great deal to my brother Will. He was called "Happy." He had foregone his higher education; Dad was getting old, and he was the support of the family and very much devoted to all of us and faithful to the very end. He was incapacitated with cancer. I asked Dr. Huffaker at the time, who was in Carson, if we should send him to Mayo's. And he said, "Clark, it won't do any good. The boy is beyond repair. Make him comfortable." So we had a side sun porch. And if I was fifteen or twenty minutes late

in getting home from the office, why, he'd commence to worry. "I don't know why people don't let Clark come home when his office hours are over. They just keep him going all the time, all the time." He had a watch hanging up by the post, and he was watching the watch all the time.

On with the family. My sister Clara and myself are the only ones left of the Guild family of eleven children. She lost her husband a few years back. She married late in life and had no children because she was devoted to her mother. She had many opportunities to marry, but she never would leave Mama. Mama, very early in life, didn't become physically impaired in any way. But my brother Cal died at the age of twenty-three. I can remember as a little shaver, my mother's hair was black, and in six months it was white. She never shed a tear and it affected her through life, not too much mentally, but it affected her life in many, many ways. My sister Clara stayed with her all the years—. Well, we mustn't get into too much of the sadder parts of life.

In comparison to what the children have nowadays, every conceivable memory of toys indicates a big, big difference. We were not so fortunate as today's youngsters. As a matter of fact, our toys were all homemade. My first train consisted of a half a dozen sardine cans with a hole punched in each end, tied together with string and an empty corn beef can as a locomotive. This may not be interesting to some people, but it is to those who had to make their own toys.

We had homemade stilts made of bailing rope attached to tomato cans. They were not strong enough, so we made stilts from one foot to two feet high out of small one- by six-inch blocks of wood nailed on a strap and put our feet in. Our stilts were handmade and the runners were usually lined with small pieces of scrap iron that was cut down and which was

removed from whiskey barrels. These stilts of iron were gathered from the junk yard.

Our wagons, in which we hauled bark and wood from the lumber yard and cotton groves, were made out of wheels from the buggy carriage with a large cracker box for a body and a tongue put on to pull consisting of a pole and a notch or two in it. we played on homemade sleds, too, and made the runners on the lower edge from barrel hoops that came on whiskey barrels.

I remember that some of our clothes were made by hand. Mama made little shirts for me out of flour sacks. Also, we didn't have any overshoes in the winter. So we saved gunny sacks. To protect our shoes as best we could, we cut the gunny sacks, then tied them on with baling rope.

My boyhood days in Dayton were adventuresome. I had the usual games of ice skating and coasting (we called it coasting in those days; it's now tobogganing) and playing "crack the whip" and "devil's baseball" and games of that kind. And a little bit mischievous at times.

There was a little narrow-gauge railroad running from the Douglass tailings about four miles below Dayton. These tailings came down six miles of canyon, and there was a dam on the flat to save them from going into the river. Douglass conceived the idea of saving these tailings for the silver and gold that was in them and erected this dam. Russell Schooley was the engineer. The train ran along a section which was adjacent to our back yard. We kids used to sit up on the fence and watch that little train go by. It was a delightful experience for us.

My father was a school trustee for twenty-five years. We had to toe the mark pretty well. I thought maybe once or twice I could take advantage of the fact that he was a school trustee, so one other boy and I played hooky

from school one afternoon and we went out to what we called New Jerusalem, to the Randall ranch, skating. We had a delightful time. I said nothing about it to Dad, but when I went to school the next day the professor asked me where I was and I said, "Skating."

"Did you have your father's permission?"

"No, but I can get it."

"Well," he said, "you'll have to get it or else I'll have to chastise you."

So at noon I went home and said, "Dad, I played hooky yesterday. I'm sorry. I won't do it again. The teacher told me that if I bring an excuse it'll be all right, otherwise he'd chastise me. Will you give me an excuse?"

"Oh, yes, I'll make out an excuse for you."

And I took it for granted that he would.

After lunch was over, he went over to the little old secretary and wrote out what I thought was an excuse and sealed the envelope and gave it to me. I waited until school had taken up because I was proud of the fact that I was going to show the teacher up. And I waltzed up the aisle with this envelope in my hand and handed it. "There's your excuse, professor."

He opened it up and he started to laugh, and he said, "This is too good. I feel that all the rest of the school should know about this excuse." And he read it: "Dear teacher. There is no excuse. Give him hell. Brad Guild." And he did. And when I got home, I got it again. So I never took advantage of Dad's being a school trustee any more. But I did get into mischief once in a while.

My dad was a carpenter by trade and also a mill man. Then he and Mama were first married, he was working at the Rocky Point Mill in Dayton and worked there for many years. In the closing period of his employment, he was the amalgamator. The amalgamator is the person who had charge of separating the gold and silver from the

quicksilver through retorts. And my father got salivated with the quicksilver fumes and had to quit.

Be then started clerking for the J. R. Simms grocery store, which is at present the garage building at the corner of Pike and Main Streets in Dayton, and also for the Bonham general merchandise store situated adjoining the Union Hotel. And he drove a delivery wagon from both of those stores at odd times around the town of Dayton and over to the town of Sutro.

Then for many years he had charge of the Dayton Water Works. The Dayton Water Works were owned by a man by the name of James Scott, incidentally—Will Scott's father—and Will Scott is still a resident of Dayton and in his eighties. My father had nothing to do with the book end of it, but had charge of all the repairs in the water works—the digging of the streets and the laying of pipes and the fixing of leaks, and so on. He worked at that for many years.

He also did some placer mining in the period of what we call the Cleveland depression in the early nineties. He took odd jobs at carpentry. I remember one job that he had when I was a boy, a very small boy—eight, nine, ten years old. He was shingling the then new Odeon Hall. It's still called Odeon Hall. And he would have me lay shingles ahead of him while he was tacking them, way up there on that roof. Well, that was fun for me, and quite a thrill, I'm here to tell you. I can also remember Dad working on the county roads for several years at three dollars a day for ten hours. He also dug graves many times at five dollars for two days' work.

Dad took a liking to having me with him when he had a water pipe to dig up and a lot of other things. Dad had a pipe to dig up this Saturday morning, right in the middle

of Main Street. All of that was tough going, with all of these heavy teams down through the years, trodding it. You just had to swing your pick with all your might and maybe you get a little piece of dirt out, see. And he come and tapped me on the shoulder—here I am sleeping—“Come on, son, got a gosh darn water pipe to dig up.”

“Oh, why don't you go and get Bill or Henry?”

“Well, because you are my partner. I want you.” I was half asleep. I'd have to get up and go. We got about halfway down to the diggings and he said, “You know, Clark, when you *dance* you have to pay the fiddler.”

Well, we had social clubs in Dayton. Also, we had a series of dances at Silver City, Virginia City, Carson, and Dayton on Friday nights, and we used to alternate. I was quite a dancer as a young man, and I used to come over to the dances here in Carson City with a man by the name of Fred Johnson. (That's Harlan Johnson's father, who lives in Reno. The Johnsons are all dead except him, except Clayton Phillips, who is the son of Vera Johnson.)

Anyway, swing that old pick all day. Then here come the kibitzers, get down pretty near to the log, standing around.

“Have you found the leak yet, Brad?”

“No, not yet. I think we'll reach it soon.”

A little while later, someone else: “Have you found the leak yet, Brad?”

“Well, just about.”

“Well, is she bad?”

“Well, it's going to be pretty tough. I got to do a lot more digging, the boy and I, before we can uncover enough to get a sleeve on there. Walk away and leave us alone.”

He'd say, “You know, son, you'll always find a lot more asses than horses in this world.” (Asking foolish questions when they could look and see.)

Dad taught me lots of things. I think one of the funniest ones that ever occurred to me—I never forgot it all my life. The retired old-timers used to sit around in front of the Odeon Hall, or the Union Hotel, on the benches and chairs there, conversing of old times and experiences, and so on. And we kids would sneak around listening to them. On this particular day, a man by the name of Jim Millsap (we called him Pete), he sat with some of these other fellows. They got to talking about Billy Douglass. Billy Douglass was a nephew of Joe Douglass, who was the Comstock millionaire. And Billy had charge of the Douglass mill. in Dayton and of the assay office in Dayton. Gib had charge of one of the mines in Virginia City, and Bob had charge of the Douglass tailings below Dayton. They were Joe's three nephews.

Now, Billy was a very sober, uprighteous man and would take a toddy once in a while. And they got to joshing, these fellows, about it, and this is what Millsap brought up. And he said, "Well, Billy's a man and a gentleman, but he's a damn poor judge of whiskey." So that was funny for me.

I went home to my dad. "You know, Billy Douglass was a man and a gentleman, but he was a poor judge of good whiskey."

"Where did you get that?"

"I heard Jim Millsap say that down in front of the hotel, and they all laughed, and I thought you'd laugh."

He said, "I want to tell you something, young man. Learning and listening to gossip is the worst thing that you could ever do in your life. I'll tell you a story about it. A friend of mine told a friend of his, and he told him not to say a word about it. And that self-same friend told another friend, and the rumors spread about. The preacher told the sexton, and the sexton told [told] the bell. And

that's the way they let the rumor out." And he said, "I'm telling you this because you never chase it down. You'll never get to the end of it." I remembered that all of my life. I detest the gossip to this day. I detest the gossip. All right, early boyhood lessons.

I'll tell you another one in the opposite direction. My brother and I and the kids had a tunnel, a dugout up in the tailings pile in back of our house. The tailings used to come down from the mills in Gold Canyon, and they built dams across there and settled them. They were afterwards put through the cyanide process in other mills. We had this dugout up there about a block away from our house in this tailings pile. And we'd gotten old timbers and put a roof on it. We worked on it together. Old Tom Sullivan, the blacksmith, had given us some nails and a couple of hinges and we made a door, and we saved up enough money and got a latch to put on it.

Billy Westerfield was superintendent of the Ophir Mill south of Dayton, and he used to have a buggy shed in Dayton, situated almost directly across the street from the Union Hotel. He would drive his horse and buggy in there and it was padlocked. This particular day, he left his keys in the padlock in the latch there, while he drove the horse in, and went on about his business. All right, I watched that, and the padlock came up missing Thanksgiving day. I went home and told my brother Henry I got a padlock and key. He said, "Gosh, you hadn't ought to do that. You better take it back."

"But I can't take it back. It's crowded down there now." Dad came home, and they were almost ready to sit down for Thanksgiving dinner.

"Did you take a lock and key off Mr. Westerfield's buggy shed down there today, Clark?"

And I said, "Yes, sir. I wanted it for our dugout."

"Well," he said, "you're going to take it back to him right now, and tell him you're sorry."

And I did. Mr. Westerfield said, "Well, that's all right, Clark." I come home. Dad was waiting for me. My mother had to coax him to stop whipping me. He went out and cut branches of f that old poplar tree, and all up and down my legs and back—no, I'm a little ahead of the story there. I said at first, "No, I didn't, George Dingle did." Now, then, when he come to whip me, he said, "I didn't whip you for stealing the lock. You got punishment enough in taking it back. I punished you for lying to me."

Well, another interesting story in the mining game that my father was interested in, too. During these early days, about 1898, '99, '97, along in there, times were awful dull. The mills were shut down, and work was scarce, and a lot of these millmen went to—for the third time—placer mining over at the mouth of Gold Canyon in Gold Canyon Creek, and my father amongst them. Some of his associates were partners in mill rights, and so on.

My brother Henry and I got the idea we'd like to go mining, too. The old blacksmith, Tom Sullivan, made us a windlass and frame, and Welk Lothrop and Ruel, his brother, made us a little sluice box and riffles, we saved money enough for a rope for the windlass, and a boy named Lloyd Huntoon, about my age, went in partners with us. Old Joe Douglass was alive then, running the assay office in Dayton himself, and he used to weigh the bullion for these miners and millmen. We had a cleanup on Saturday. I'll always remember that we took this amalgam over to Joe Douglass and he gave us seventy-five cents for it. And I think these miners—old man

Ruel Lothrop and Welk cleaned up for us, and I think they salted us. I think they put some of their amalgam in there, you see, because we didn't have but a few drops of quicksilver.

Well, time went on and we stayed with it after school and on Saturdays. My mother come over there one Saturday when we were working. Henry was down in the shaft. We were down then about fifteen, eighteen feet, and young Huntoon and I on the windlass. She looked down and she could hardly see the top of it. "Oh," she said. "Oh, my goodness! Tst, tst, tst! Oh, I don't see why your father don't look around and see what you're doing!"

Well, he come home and she said, "Do you know what those boys are doing over there, and how deep down that shaft is?"

And he said, "No, Mom, I never give it much concern. They're keeping out of mischief, having a good time."

"Well, go and look at it."

So he went over and he said, "Well, that's pretty bad. I don't know' what to do about it. Well, I got an idea." Then he said, "Now, boys, your mama gets worried about you over there in the creek. I'm going to move your outfit over here and you bring water in from above the creek into our back yard. Now, I'll set your little plant up here in the back yard where Mama can keep her eyes on you."

That was all right. We dug a shaft for us about four by six and they got that thing down eight or ten feet and we went to school. This was a Friday. And we'd worked there two or three weeks to do this, and we come home Friday night after school and he had moved the Chick Sale over on our shaft! If ever you saw a couple of mad kids and crybabies—oh, boy! I was the worst. I cried. He said, "Now, looky here, boy. Your mom was scared and you aren't making much money. I'll tell you what I'll do. I'm going to give you two dollars apiece for digging that hole for me, and if you

want to move back over in the creek, I'll move you back over there, too." So we had all the mining we wanted.

From Dayton we had an old road to Como, and the Quille ranch was in Eldorado Canyon, and a sheep ranch was always there in the springtime. That was about three miles up there. We kids would hike up there and we were pretty hungry along about noon. And they would always feed us and usually send us home with a little lamb, which we would train—get a nipple and a bottle and train it until it was large enough.

We trained one in our yard. He was a prize package, I'm here to tell you. He was as good as any watchdog you ever saw in your life. We taught him to butt. We'd hold our hand on his head and he'd come at us and we'd jump to one side. He got so that he'd watch the gate. We had a well, a neighborly well, at Dayton. It was the deepest well around there, with wonderful water; and the neighbors would all come there for water. And that doggone sheep—Boomer, we called him—would stand at that gate and he would frighten these people from coming in. He had butted two or three of them.

Well, my father went out this one particular evening to fix the water pipe in the back yard and the old lamb spied him leaning over, and bang! he went. My father was the maddest guy you ever saw in your life! And you know what he did? He took that sheep down to the slaughterhouse. He pretty near broke my brother Henry's heart, and mine, too, because we'd built a little wagon and we drove him around the block in this wagon. Oh, he was a real pet, and you couldn't blame him for butting Dad or anyone else—we'd taught it to do that. But he went the way the other sheep go, the slaughterhouse, and we never had another one.

Times were hard in Dayton, in the early part of the century. A great many of the millmen and miners were out of work, and

some of them went back to placer mining at the mouth of Gold Canyon right at the west end of Dayton. Welk Lothrop, Richmond Lothrop (who was the son of the district attorney), John Lothrop, a year older than I, were very good chums. We used to get a lot of fun out of taking these quicksilver flasks that are made out of cast iron, and they would have a hole drilled in them with a chisel, when they emptied the flasks, which were about seventy pounds worth of quicksilver, into the pans at the mills. And then they would roll them off to one side, and we kids would gather them up and put wooden plugs in them and put a fire in them and let off steam. A lot of fun, no harm in it.

So Rich and I gathered some wood and we took it above where these men were placer mining in a little sort of a cave, a semicave, in the side of a hill. We gathered a lot of wood. Very foolishly, we put in a square-pointed nail, which when heated would expand. We didn't know any better. We couldn't find a wooden plug, and didn't have a jackknife to cut one down if we had.

So we put a big fire there, and we got on top to throw rocks down there to see if we could knock that nail over, see? Well, it kept getting hotter and hotter, and pretty soon it exploded. And the back end of it sailed down over these miners' heads. Just missed—over the top of the head. And it blew a great big hole in this little cliff. It's still there, after all these years, black with all these coals that just burnt right in there.

Up the hill old Gus Brawnn come! He got me by one arm, Rich Lothrop by the other, and he just shook the living dickens out of us. "What are you trying to do, kill us all?"

"No, no, no, we were going to let off steam," we told him.

Well, he went home and told Rich's father, the district attorney, what had happened. And on the way home, the district attorney told my father. Rich and I both went home

scared to death. I think we were scared hours afterward, see?

Mrs. Lothrop said, "What was that terrible noise I heard awhile ago, Richmond?"

"Oh, I guess that was those miners letting off blasts over there in the creek."

Had to be a lie somewhere.

Well, when his father come home, he got the truth of the story. He said, "Well, there's nothing I can do. I'm not a-going to whip you. I think you've learned your lesson, but," he said, "I don't know."

"Well," Rich said, "you don't have to be afraid. I'll never shoot off another bit of steam in one of those flasks, or any other way."

And my dad come home, and he was madder than a tick. He said, "Did you lead Rich to do that? You've been playing in the yard here with those all the time. Did you coax Rich to go with you?"

"Well, he wanted to go with me. He come here when I was letting off steam several Saturdays. So I let him go with me because he helped gather the wood."

"Well," he said, "I won't touch you this time. I think you had a good lesson." Talk about kids escaping.

Rich and I took another scheme one time. We were going to float down the Carson River like Huck Finn. We built a raft up at the Ophir Dam ourselves on Saturdays. Put some logs together and tied them with ropes and baling wire.

We got an idea that we, both of us, would like to smoke. So we got some milkweed and some corncobs and made our own pipes. Didn't know where to get any tobacco because his father smoked cigars. So Rich gathered up a few of the stumps, cigar stumps. This particular afternoon we thought we'd have a smoke before going to work on the raft. And we did. And after a while there wasn't any work on the raft or anything else. We hardly

got home. If you ever saw two sick boys, it was those two boys right there. I never tried to smoke for years after that, and I don't think Rich ever smoked.

I've told you the story about Chester Barton and the chewing tobacco, didn't I? At Dayton? My father in his older years used to help the neighbors cut the four-foot lengths of wood into stove wood for their heaters and their stoves. He was cutting wood up at Chester Barton's mother's, Mrs. Emma Loftis (she was first a Barton and her husband died; she married Jack Loftis, who was county clerk and treasurer of the county). Chester was about five years old and he was out watching Dad. My dad quit smoking when I was a boy, but he took to chewing tobacco, plug chewing tobacco, Star and Horseshoe. In between cuts, he'd reach into his pocket and take a chew off the old "Star." Chester said, "Mr. Guild, can I have some of that licorice?" And Dad handed him the plug.

"Take a good chew." And the kid did. And he chewed it and swallowed about half of it. And was he sick!

His mother, Toots we called her, a nickname, she came out and gave my father the very devil. "Brad Guild, what are you thinking about, giving that little guy a chew of tobacco!"

He said, "Now, Toots, just a minute. Don't fly off the handle. He'll never get sick again on tobacco. He'll never like it again."

By God, that boy never touched tobacco again, never smoked or never chewed in all his life. He's still alive. Seventy some-odd years old. I'd kid him every once in awhile in Dayton, "Want to chew tobacco, Chester?"

The reason why I never smoked earlier in life—my father was a great lover of pipes, and he had quite a collection of pipes, meerschaum pipes, and so on. And every evening after dinner, he'd push his chair back, load his pipe,

read the paper, and enjoy himself. My older brothers—not the two next to me, but Oliver and Lu, who were quite a bit older, would roll a cigarette, a Bull Durham cigarette, to smoke, and they'd get a lecture almost every evening. "I wish you boys wouldn't smoke those coffin nails. Be a man. If you want to smoke, I have no objection. I've smoked ever since I was twenty-one years old. I smoke a pipe. A man's pipe."

This went along for quite a long while, and this particular night he got a little bit mad. About the same story. Lu wasn't there and Oliver said, "I've tried to quit, Dad, and I can't."

And bang went that meerschaum pipe against the side of the wall. "Can't! I've smoked all of my life since I was twenty-one years old, and I'll show you that I can quit smoking." He never smoked again.

My mother cried, begged. He'd get up from the table and walk downtown and back, walk around the block. She'd beg him every way in the world. "Why punish yourself? You enjoy it."

"I'll teach those boys of mine that *can't* isn't in the English language with the Guild family." But they went on smoking cigarettes.

Henry and I, the two young kids, learned the lesson. I never wanted to smoke until practically after I got out of the hospital. When I was in the hospital, I started smoking a little bit. And I was then twenty years old. But pipe. I don't think I've smoked in all my life a hundred cigarettes. Once in a while, maybe after dinner with company or something. My brother Henry never did smoke a cigarette in his life. Never in his life. He smoked a pipe later in years. What you learn sometimes will live with you all your life.

My first schoolteacher was Margaret Mack, afterwards the Dean of Women at the University of Nevada. She was a wonderful

soul if ever there was one. There was a girl sitting in front of me with braids. I remember as if it was yesterday. We had these inkwells at the top of the desk, and I put the end of her hair in this inkwell. She thought it was something wrong and she reached around—of course, it splashed all over her papers. My punishment from Miss Mack was that I was to stay at recess all week, both morning and afternoon. Now, that's about the worst punishment you can give a boy that likes to play at recess time. So on Friday, when it was all over (see, we lived around the corner, about a half a block from the schoolhouse), I got out around the corner and my temper got a little the best of me and I picked up a rock and threw it through the school window. She almost beat me home and told my dad about it. He said, "That's all right, Margaret. I'll take care of it." For change, we used to clean yards and gather sacks and bottles and sell them. And he said, "Now, I'm going to have the window put in, but you're going to pay for it." And besides that, he went out on the old oak tree and cut off a little limb and gave me a good trouncing. So vandalism never appeared in my life afterwards.

I wonder nowadays why there is so much vandalism. My idea is that there wouldn't be as much of it if they had dads like my father. For many, many years in court, I've come to the conclusion—and I gave every attention to juvenile delinquency. I'll tell you about that in another interview. But suffice it to say on that score, I learned that juvenile delinquency was parental delinquency, for the most part. I can tell many stories about it later on.

(Funny thing—I went upstairs yesterday looking for some information. As a matter of fact, I was looking for an autograph album. We kids had autograph albums when I went to school. I didn't find it. I don't know where it is yet—I've got some other places to look. But

I brought down a tin box. It has all my report cards from school and my promotions from one grade to another. And they're intensely interesting.)

Then, as time went on, I graduated from Margaret's room. In those days, we didn't have what is known as high school now. We had the upper grades and the lower grades—the lower grades up through six, and then from seven up to ten in the upper grades. I was very, very fond of history, very poor in mathematics, fair in Latin, as shown by the report cards.

I was quite a reciter. As an example, in our Latin class, we were supposed to commit either Marc Anthony's speech or write a theme on Julius Caesar. I chose to commit Anthony's speech. I can tell you most of it to this day. As a result of my interest in that, the professor took an interest in me, and I entered the declamation contest against all the high schools of the state of Nevada for two years in succession, in 1902 and '03, and won both years—against all of the big schools—for the little town of Dayton. My training was a great deal my dad's. He'd stand me up in a corner of the dining room and make me go through articulation and gesticulation and everything else. But the professor, Edward Monroe, was not too good at that. We had a man by the name of Frank Broili, who afterwards lived in Reno and was in the electric business [Nevada Machinery and Electric Company]. He lived in Virginia City, and he was an elocutionist. Every Friday my teacher drove me up there. Mr. Broili championed my cause, and I really got more out of him in elocution than any place else that I could have, outside of my father making me recite to him when it was getting pretty tiresome. I can still tell you those speeches. I still have them stored up here. My prize was the *Winning of the West* by Roosevelt, and *Life of John Paul Jones*, in two volumes. And they're here in my library.

This year, on the Fourth of July, I was ranting around here. A couple of the twins were over here. Out of memory's land I recited the piece that I won the state declamation championship with. Mary insisted that this go in the biography. Well, out of the clear sky—it had been many years since I had said it, and that thing popped out of me just like it was yesterday!

It is the Fourth day of July, 1776. In the old state house in the city of Philadelphia is gathered half a hundred men, ready to strike from their limbs the shackles of British despotism. There is silence in the hall. Every face is turned toward a door where a committee of three, who have been out all night attending a parchment. The door opens, the committee appears.

That tall man with the bold brow and the sand hues hair, holding the parchment in his hand, is a Virginian farmer, Thomas Jefferson. That stout-built man with stern look and flashing eye, that is a Boston man, John Adams. And that calm-faced man, with hair dropping in thick ringlets to his shoulders, that is the Philadelphia printer, Benjamin Franklin. The three advance to the table. The parchment is laid there. Shall it be signed or not? A fierce debate ensues. Jefferson speaks a few bold words. Adams pours out his whole soul. The deep-toned voice of Lee is heard swelling in syllables of thunder-like music, but still there is doubt. And one pale-faced man whispers something about axes, scaffolds and a gibbet. "Gibbet," echoes a fierce, bold voice through the hall, "gibbet! They may stretch our

necks on a thousand scaffolds, and yet from every drop that dyes the axe, a new champion of freedom will spring into birth. The British King may blot out the stars of God from the sky, but he cannot blot out the words written on that parchment there. Sign it—sign it not only for yourselves but for all of posterity. For that parchment shall be the textbook of freedom, the Bible of the rights of men forever. Nay, do not start and whisper with surprise. It is truth, your own hearts witness it. God proclaims it. It is not given to our poor human intellect to climb to the skies and to pierce the councils of the Almighty One, but methinks I stand among the clouds that veil the brightness of Jehovah's throne. Methinks I see the Recording Angel come trembling up to that throne to speak his dread message. Father, the old world is baptized in blood. Father, look with one glance of thy eternal eye and behold forevermore this terrible sight. Men trodden beneath the oppressor's feet, nations lost in blood, murder and superstition walking hand in hand over the graves of their victims, and not a single soul to whisper hope to man. He stands there, the angel, trembling, with the record of human guilt. But, hark! From the awful cloud speaks the voice of Jehovah, "Let there be light again. Tell my people, the poor and oppressed, to go out from the old world of oppression and blood and build my alter in the new."

"As I live, my friends, I believe that to be His voice. Yes, were my soul trembling on the edge of eternity, were this voice trembling with the last

utterance it were to give, I would still, with the last impulse of my soul, with the last wave of my hand, and with the last gasp of my voice implore you to remember this truth: 'God has given America to be free.'" The unknown speaker fell exhausted in his seat, but the work was done. Sign—there is no doubt now. Stouthearted John Hancock has scarcely time to sign his bold name before the pen is grasped by another, another, another, and another and another, and another. See all the names blaze on that parchment—Jefferson, Adams, Lee, Franklin, Sherman, Morris, and others, others, others. And now the parchment is signed.

Now, old man in that steeple, now bare your arm and let the bells speak. Hark to the music of that bell. Is there not a poetry in its sound more sublime than that of Shakespeare or Milton? Is there not a music in its sound likened to that that fell from angels' voices when the news of the birth of Jesus rang out in the hills of Bethlehem? For the tones of that bell now come pealing, pealing, pealing, "Independence now and independence forever."

I don't take too much pride in that except as a young man I worked hard on it. My father used to stand me out in the middle of the kitchen and made me go through it before I went into Reno to the contest—modulate my voice, gestures, and so on.

The last time he [Father] run for school trustee—well, he'd been school trustee twenty-five years and he was very fond of Margaret Mack. And a man by the name of Herman Davis (we called him Captain Davis) run

the Nevada Reduction Works and cyanide plant. He had quite a family. For some reason or another, he got it in for Maggie Mack and wanted the trustees to change her, and my dad wouldn't stand for it. Well, they had a meeting. A man by the name of Ed Cooper was one trustee and Mr. Manly Johnson the other and my dad the other. And Dad come home pretty mad that evening. Mama wanted to know what was going on, and he said, "Well, I'm pretty well disgusted. Cooper was for Davis and I'm against him, and Mr. Johnson wouldn't take a vote one way or the other." We said, "I don't see why he can't make up his mind what to do." Manly Johnson was the most polite man you ever saw in your life. He wouldn't hurt anyone's feelings for anything on earth. Oh, he was a kindly old gentleman. He was the watchman at the Douglass mill for many years—trusted watchman. And Dad said, "I don't see why he can't take a position one way or another."

Well, anyway, my brothers Will and Ollie and my older brothers and sisters coaxed Dad not to run. "You've had enough. The children are all through school, practically. Stay away from it."

"I'll show that long-legged Davis that he's not going to get rid of my Maggie Mack."

Dad had a lot of friends amongst the Italians. Mr. Davis was a high Mason and there are a lot of Italians in that, too. The Italians didn't have too much use for him and my dad knew that. My dad was a strong Odd Fellow, as I am. He went down and saw all the Italian ranchers and told them the story that Captain Davis wanted to be a trustee so he could fire Maggie Mack. And Dad just beat the packing out of him, even with his own sons asking people not to vote for him. He come home that night, and he said, "You boys are pretty good politicians." (That was my brother Will and Ollie and so on.) "you did a marvelous job. The people that you talked

to didn't pay very much attention to you, evidently. I got most of the votes." Oh, boy!

Those Italians down there were pretty good ranchers. I had many friends amongst them. So did Dad and so did all of us, as a matter of fact. In my boyhood days the Scanavino family were very close to us. There was quite a family of them. They used to raise a lot of fruit and melons. They raised wonderful melons on the Baroni ranch and other ranches.

Now, we kids, instead of being satisfied of going down there and asking for a melon, would rather go steal it, see. I've often thought about that. We never did any damage. We knew how to pick a melon because they had taught us, see. But we'd wait until evening and then pick a melon, instead of going there—why, they'd give us all the melons we wanted.

The one that I remember more particularly was Angelo Quilici. Angelo was rather mean, and I think one or two of us—well, we used to go in bunches, five or six of us, see. Well, two of the boys stepped on a melon or two and smashed them, see. Tie got pretty mad and come to town, and he raised Cain. Dad asked Henry and I if we'd been with them and I said, "Yes." So did Henry.

"I wouldn't do it any more, boys. You go down there like gentlemen and they'll give you all the melons you want. Don't go down, get in their patches, trampling the vines," and so on. "That's what they're mad at." So I never stole any more melons after that.

We had a lot of Chinamen in Dayton. Dayton was known as Chinatown at one time. It was first known as Mineral Rapids, then Chinatown, and finally Dayton. But we had a fairly large Chinatown in Dayton. Some of them were domestics, particularly cooks in the hotels, and then they had two washhouses. They had the Chinese store. We had an old

peddler named Holly, Chinese Holly. He used to go to Virginia City and get vegetables and fruits in this—he had a pole and two big baskets. Now, he'd carry this pole over his shoulders, see, with the baskets in, and then he'd peddle his vegetables and fruits around to the womenfolks around town.

These Chinamen were awful good to the children in Dayton. The mothers were good to them. On Chinese New Years they always had cakes on their altar, and so on, and the women in town would make cakes to put on their altar. My mother always did, too. Well, some of the kids are mean, as I say. I never did anything like this. I don't know as any of my brothers did. We had a boy named Charlie Gruber that saw poor old Holly come tottering down the street with this big load one day. Just about in front of the Gruber Hotel, which was the Union Hotel (we called it Gruber sometimes), he got out his knife and run up behind Holly and clipped his ropes. And there went the baskets, and that poor old Chinaman sit down right there in the middle of the street and cried and cried, and that kid run inside. I don't know what his mother ever did to him, but, oh, it was mean.

Well, Chinamen were kinda fair game. In the evening we used to tic-tac-toe them. You know what tic-tac-toeing is? You get a nail and stick it into the shingle or under the roof sidings, see, and you get rosin on the end of it, see. And you get way out the other end of the string—well, maybe clear across the street, and pull this, and it sounds like the shingles or the siding coming off the house. They'd come running out, and, of course, they couldn't see anybody. And we'd be hid behind a fence someplace. But they'd get feeling around the house sometimes, and wise enough to feel around, and bring a lantern out and cut our string loose.

Well, this particular Chinese New Years, we went down to Fat Sam's, we called him.

That was the fellow that run the Chinese store. And he had a wonderful altar there of Chinese insignia and all these cakes. A man by the name of George Kelloy—he was lots older than us. He was a young man and we were just kids. He was in his twenties, and Johnny Gruber and young Walmsley, Ze Walmsley (he's still over there in Dayton, justice of the peace for years), he was along. There was a half a dozen of us, and we went down. It was the wintertime, and Kelloy had an overcoat on—we were lucky if we had jumpers or sweaters on, most of us. And he stole a cake.

We got outside, and he said, "Well, I got a cake. Where will we go? Let's go up to Otto's house." A man by the name of Otto Schroeder run the saloon. He [had] a billiard table in there and he used to let us kids play billiards, but he never would let us have a drink. So we went in, and Otto was about half full, and we set this cake on the bar. "Otto, we brought you a treat." And he went and got out a knife and cut the cake, saucers laid out. Just then the front door come smashing in, and here come Fat Sam. Otto commenced to explain to him, and we went out through the back door. We left Otto there to settle the argument. All I could hear as I went out that back door, "Georgie Kelloy, two Guild boy, the Ed Gruber boy—Georgie Kelloy, two Guild boy." He was telling old Otto the names, see.

Well, nothing happened because some way or another it never got around to our parents. That Chinaman was very, very gracious in not getting it around to our parents, I'll tell you that! Because it was a dirty, nasty trick to steal that cake. I didn't steal the cake, but I was there to help eat it if I got a chance.

They used to give us Chinese nuts and coconut and things like that.

Another thing we did with the washman. Wong was his name. My brother Henry and I

each had a .22 rifle and we liked to go hunting rabbits and fishing and so on. Wong took quite a liking to us, and we were teaching him how to shoot this .22. It was out on the wood flat, out across the river, where we couldn't hurt anybody. This particular time we were getting pretty good, and he put up a dollar for us to shoot at. It was quite a long ways off, and if we got it, why, he'd make us a present of it. So we had just skinned one one day, tipped it over, but just enough—guess the sand or something tipped it over—and Henry got it. He wouldn't give it to us. "No hit," he said. "No hit."

So Henry got mad, and he said, "I'm going to teach him how to fire a rifle right." He used to always hold the butt of the gun over his shoulder instead of against his shoulder. It was all right if it was a .22 because they didn't kick, see. My brother Henry got a twelve-gauge that he borrowed from Gene Ferretto. So we went out practicing this particular day, and we were shooting for tin cans this day—he wouldn't put up any money for us, shooting with that big rifle. So we had a tin can up and Henry says, "Your turn." And Wong pulled the trigger and it kicked him. It kicked him in the ear here, you know. Oh, it kicked him terrible!

He kept his temper and he said, "Boys, I lika you boys. I treat you all the time nice. Nevermore I like you. You play trick like that on me, you bad boys. I like you no more." And we went home with our tail between our legs, I'm telling you that right now—terribly ashamed of ourselves.

And we got to talking about it to one or two of the other boys and they said, "Well, he was pretty mad, I guess. Good thing that he didn't kick you all over the place. Why don't you go and tell him you're sorry? Take him a present of some kind."

So Mom had made some doughnuts and we took him a half a dozen doughnuts, Henry and I, to tell him. "That's all right, boys, that's all

right. Me the fool. Me the fool. I got no brains try to shoot that way. That's all right, boys. I'm good now." Funny. It didn't seem funny at the time, but there were serious things, too.

Those poor fellows would work there in those placer mines, you know, making two and three dollars a day because they lived cheaply on rice and things of that kind.

We had another fellow that packed wood on donkeys. Jackass Sam, we called him. He had a big wood yard down in Chinatown. He'd cut wood up in the hills in four-foot lengths and he'd bring it in to Dayton on these donkeys, stack it up, and would sell it by the cord to the different homes around Dayton. He would cut it up in stove wood lengths for them for so much more. I've forgotten his prices, but they were very reasonable. Well, he had a habit. He used to let us ride his jacks if he wasn't busy with them. So this particular Saturday, the Walmsley kids and I and the Huntoons and Henry went down there and helped ourselves to the jacks. Old Sam got pretty mad about it and he went to Dick Randall, Dick Randall, Sr. And he took us down into the sheriff's office. We were pretty darn badly scared, I'm here to tell you! He said the Chinaman was pretty mad and he wanted us arrested. Dick was going to give us a good scare, so he took us as far as the jail, took us into his office, the sheriff did, with old Jackass Sam there all the time. "Now," he said, "you boys will have to come into Mr. Lothrop's court tomorrow morning (the district attorney), and Sam can make out a complaint, and we'll see what can be done about it." He said, "I can't do anything about it and I can't put you in jail without a warrant. But he can get a warrant, maybe. Maybe he can't. He'll have to see the district attorney."

Well, I guess after we went home the sheriff talked him out of it, see. He said, "They're good boys. They won't do that any

more. They got a good scaring.” So the old Chinaman never went after a warrant at all—we found that out later. But we left his jacks alone, and we went and asked him after that when we wanted to ride one! He had eight or ten donkeys and he kept them well, and that’s the way he made his living. Industrious, they were. Very industrious.

I started through the University after I got through school in 1903. Times were pretty hard and I’m the smallest of a very large family. Prior to that, my Uncle Henry left Dayton, very soon after he and Father went to Dayton. He went to Arizona, settled at Oracle, Arizona, and was in the sheep business. And he put my brother Henry through Heald’s Business College. I wasn’t that fortunate, because Uncle Henry died shortly after he educated my brother Henry. Edward Monroe, who taught school in Dayton as principal, afterwards moved to Reno and opened up the Reno Press Brick yard. And he ran the Monroe House, which is now one of the fraternity houses on Center Street. I waited on tables at the Monroe House while I went to the University. I wanted to be a civil engineer.

In my boyhood days Margaret Mack’s father, Thomas P. Mack, was county surveyor. Before that he had been auditor and recorder of the county. And every time he had a survey of importance to make, why, he’d ask me if I wanted to go along, and I was tickled to death. I was on the survey with he and Mr. Thomas Moran and Mr. William Coleman, engineers from Ormsby and Storey and Lyon Counties, on the Lyon County-Storey County survey to determine the mileage of Southern Pacific Railroad in the northern end of Lyon County.

On that survey I had the wonderful opportunity of working up from a rodman and helping to carry Mr. Mack’s transit back

to camp and from camp to work, which gave me an idea of what a delicate instrument I had hold of. I remember going back to camp one evening about sundown (this was out east of Reno). I stepped over a sagebrush and heard a rattle. I jumped, but fortunately I kept the transit in the air. Mr. Mack came running over. “Are you hurt, Clark?”

“No, I don’t think I hurt your transit, Mr. Mack.”

He said, “No, you didn’t.”

Well, from that I had an opportunity to go on the Western Pacific location survey across Nevada. I was the youngest of a party of fifteen, and the oldest man in the party was a man from Texas, who had charge of the party. We surveyed location work from Battle Mountain, east to Beowawe, and from Battle Mountain west to Golconda. We were then transferred to Susanville, where we surveyed up over Fredonia Pass, and down through Mountain Meadows. It was so good that I missed a semester of school and worked on in until we got snowbound and came into Reno about the middle of December. So I had missed that fall semester.

An opportunity then came to me because of Mr. Coleman’s acquaintance with me and the survey that I had been on with he and Mr. Mack and Mr. Moran. He was employed by the Walker River Water Users Association to survey all of the irrigated portions of all of the ranches on the Walker River. And he asked me if I would like to go with him. And I certainly was glad of the opportunity. He did what we called surveying these irrigated portions by the *stadia* method. It’s run by a *stadia* rod in all targets. A target would give you the distance away from the compass, it would give the direction of the compass on the transit, and the distance—the targets on the counter would give the distance. And I had to note them down while Mr. Coleman

was taking the so-called picture of events. Now, this took all summer long. It gave me one of the most wonderful opportunities that a young man ever had to go forward in civil engineering.

Then by reason of the fact that I had missed the first semester and went on this survey for the Walker River Water Users Association's survey, I got an idea that I would like to go railroading. I was only sixteen years old then. I asked my father if he had any objections, because my brother Will and my brother Henry were both in the engine service. They were locomotive firemen, you know. So I got his permission and I went to firing the switch engine at Mound House. And Jay White, afterwards Governor Balzar's secretary, and afterwards county clerk of Mineral County, and also district attorney of that county, was my engineer.

I didn't like firing too much. I was on the work train from there to Hawthorne. It was a long ways for a young man only sixteen years old, shoveling coal in those narrow-gauge engines that they brought up from Southern California—narrow-gauge engine railroad down there. So I wanted to go braking. And I went up to Mr. McGraph, Phil McGraph, who was the train master, asked him if I could go braking.

And he said, "Why, no. That's in my department, but I can't take a man out of Mr. Small's department. You're in the master mechanic's department. And I can't do that; that would be treating him wrong.

I never said a word. I went on to the roundhouse, and I said, "Mr. Small, I want to quit."

And he said, "What's wrong, Clark?"

And I said, "Well, it's too hard work for me, shoveling coal in those big long coal boxes.

"Well," he said, "you're doing a good job, and your brothers are both satisfied."

And I said, "I'm satisfied, too, but I don't want to fire any more." I didn't tell him I was going braking.

"Well," he said, "I'll give you a nice clearance, Clark." And he did. And I took it down and I shoved it under McGraph's nose and said, "Now, can I go braking?"

He broke out laughing, and he said, "You're a corker, young man. You're a corker. Yes. You go south with Balzar tonight as a brakeman student." And I broke for Fred Balzar, and then for other men, was on the work train that built the Mina yards. I was on the last train out of Hawthorne, from Hawthorne to the Mina yards.

I got fired in Mina because I got out of purposes with the conductor, a man by the name of Clark. Every time that our switch engine was idle, and I was braking, he'd say, "Go down and turn that engine around the Y." And this was a little late in the evening. I had the lanterns lit and I whirled the lantern around my head and tossed it over in the sagebrush. I said, "I'd be damned if I do. I'm getting tired of running that engine around the Y."

And he said, "You're fired."

I said, "That's good enough for me, too."

So I was fired. I was out of railroading. I was out of the University. Well, I went to work at the Blue Light mine out from Nina. They had an old man there by the name of Tom Grant, took a liking to me, and I run the hoist. It was a whip, driven by a horse, that winds around and pulls the buckets up out of the shaft. While doing that, the night shift quit, and he said, "Well, young man, I'm going to let you go over and work in the tunnel." He said, "I want you to be careful. It'll only be a day or two until I can get another shift up here from Mina."

I got ambitious. I loaded the holes, blasting, this third night I was over there. And

I cut the fuse too short. And had the rock been hard, I wouldn't be here to tell about it. But when it went off, it threw me against the side of the drift and they picked out, later, about a handful of rock out of the left side of my head. I have a big scar there. And I decided I'd had about enough of that. But let me tell you the finish of it. I walked from there over to the bunkhouse and there was a man named John Arthur there who was the teamster, saw me come in, "My God, Charlie (they called me Charlie)! What happened?"

I said, "I got blasted." He picked up a can of axle grease and rubbed it all over my shoulders and head. And the doctor said that was the finest thing he could have done because it softened it up and didn't go in, see.

Well, then they put me on the train and sent me to Dayton from Mina, where Dr. Charles Dempsey was practicing. (He married a Dayton girl, Gertie Ruby.) A man by the name of Doc Clyde Legg—he wasn't a doctor, but he was a great friend, about my brother Bill's age, and a great joker. Everybody used to meet the train going through Dayton in those years, so he was there at the depot and wanted to know what happened. I told him, and I said I was supposed to be going to see Dr. Dempsey. So he took me up, and it was then getting late and they asked him to hold the light while he was picking these rocks out of my head. And he did for about five minutes, until he picked a rock out of a little vein and squirted blood, and Doc fainted. So I said, "Let me hold it for you, Doc." And I did. That was enough to satisfy me.

So I decided to ask Mr. Robert Fulton, who had charge of the C and C railroad at that time (later his son was of the School of Mines in Reno, if you remember. And Bob Fulton himself is an ex-railroad engineer), if he would give me a clearance. He said, "Yes, I will. You're a good boy." And he said, "I've

heard the story of how you got fired." He said, "I'd have been fired, too, if I had been in your place."

So I went to Pocatello, Idaho, where my sister Maudie, married to George Slingland, lived. And from there I went braking on the Oregon Shortline and lived with my sister and her husband. And I was there a year and a half. I railroaded east to Montpelier, Idaho, and west as far as Huntington, Oregon. I was on the work train that built the railroad from Twin Falls to Buhl. That's on the Twin Falls branch.

I was then on a freight train. This was a Sunday afternoon in the month of July, in 1907. We went into the sidetrack at American Falls. There was a baseball game going on across the track, and I went over to watch them while we were waiting for this other train. We used to have a rule in a place like American Falls, because there was a hill out of the falls, to have the dispatcher what we'd call close the gate, close the switch after we pulled out, to give us a run up the hill. I was the rear brakeman, and I was standing waiting, and finally it came to me that the conductor had gotten someone to close the gate, but the train was halfway by me at that time. I had decided to wait for the cabooses; it was easier to catch. But I made the first mistake, railroading, I ever made in my life. I caught the front end of the caboose. It broke my hand hold and threw me under the rear trucks, and there I laid until they picked me up and brought me into Pocatello on a special train. I had crushed all the bone between the ankle and the knee. They put me on a special train and took me to the LDS Hospital. They tried to save the leg, but blood poisoning set in very rapidly, and instead of saving the leg, why, they amputated just above the knee.

LEGAL AND POLITICAL CAREER

That accident was a turning point of my entire life. I knew then that my engineering days were over, because I didn't want to be an office man. So while I was in the LDS Hospital—and I was there many months—Mr. E. M. Bagley, the chief counsel of the Union Pacific, came up to the hospital. He said, "Young man, what do you want to do now?" And I told him about my ideals. I wanted to be a civil engineer and I didn't want to go through being an office man. And he said, "Have you ever thought of studying law?"

And I said, "No, I never gave it a thought?"

"Well," he said, "the boys around the ward tell me that you're a wonderful reciter. You've been reciting pieces to them and everything, and I think maybe you'd make a good lawyer. You come on down and work for me in the claims department and study law under me." I was very grateful for that, and I took the position in the claims department.

I came home in April for a couple of weeks' vacation. That was in 1908. And my brother-in-law, F. W. Fairbanks, was chairman of the Republican party of Lyon County. He

said nothing to me, except that he knew, after our visit there, my sister Hattie was very fond of me. I was a pet of the family all the way through my sisters and brothers. He got to mulling it over after I went back to Salt Lake City, and he sent me a telegram: "You've been nominated for auditor and recorder of Lyon County on the Republican ticket. Will you accept?" And I took the telegram in to Mr. Bagley and he said, "Oh, don't do anything like that, my boy. Don't get into politics. Don't do that, don't do that at all. Aren't you happy here?"

I said, "Yes, sir, I am." And I went back to my desk.

In about an hour he said, "Clark, I've been thinking that over. You go home and run for that office. If you don't get it, come back here. If you do get it, you'll have the same opportunity there to study under your district attorney or some lawyers as you're having here. But you come back if you want to." I came back home and was elected.

Politics was a new thing to me. I had two brothers working in the mines of Silver City,

my brother Will and my brother Henry. I had the advantage of having as my brother-in-law Fairbanks, who was a politician, even though he was a newspaper editor. And my experience as a surveyor in Mason Valley had made me acquainted with ranchers in Mason Valley. I was very close to the McLeod family. The McLeod boys and I become very friendly during those surveying years. I used to spend the weekends with them on the ranch, where I could get to ride the horse. And after years, Charlie got to be county clerk of Lyon County, and Niel got to be sheriff of Lyon County. But at this particular time, neither of them are in politics. So Neil hooked up a horse and buggy and turned it over to me to drive around these ranches.

Well, they had a system in those days of carrying a box of cigars and a jug of whiskey—electioneering, see. Vic Bernard, who ran the saloon in Yerington, come to me and he said, “I want you to come and get all the cigars and whiskey you want. If you’re elected, I’ll give you a bill and you’ll pay me back. If you’re not, you’ll never owe me a cent.” So I took him on.

The threshing season was on then. It was in October. There was a man in charge of the threshing machine named Frank Freeman, a great friend of my father’s. He married Mama’s bridesmaid—that’s how close the families were when they lived in Dayton. And he was fond of me. So I stopped at the threshing machine (I didn’t have any better sense) and, “Shut her down, boys! Here’s our young candidate. Come and have a drink with him.” That was good for me. I would get some votes. I never thought about them draining that jug, you know, and having to get it filled again. They used to laugh at me about it afterwards. But that background, see, was the finest thing that could have been for a young man that never had any experience in politics.

I then went over into Smith Valley, campaigning with the same buggy and horse. There was a family living there named Reading. And they became very wonderful friends to me in later years. My brother-in-law George Eglin was foreman of a mine in Bodie when Will Reading, the elder Reading, ran a large mercantile establishment there. And later, when Bodie went down, they moved to Wellington in Smith Valley and opened up this big store there in Wellington. So George Eglin made a trip out to Smith Valley to talk to Readings about me. And that put me in right with the Reading family. I carried Smith Valley very largely. I remember hitting the Simpson ranch. They were old-timers in Smith Valley, and one of the Simpsons was named Clark. And that rather appealed to him and he said, “So your name is Clark. Well, I’m the only Clark in my family.”

And I said, “Well, I’m the only Clark in my family and my father had a brother named Clark.” Quite an acquaintanceship.

We had another man by the name of Charlie Hines in Smith Valley that run Hines’ Hot Springs at the north end of the valley. He and my father were great friends. Another that I shall never forget was a man by the name of John Pierce, who was justice of the peace of Smith Valley, and used to stay at my father’s house when he’d come to Dayton on jury duty. He and Dad were very close friends. Well, those fellows were all electioneering for me in Smith Valley and in Mason Valley, along with my brothers in Silver City.

I want to say something about my opponent. There was a defalcation in the auditor and recorder’s office a year or two before I run for office. It was caused by reason of the Ramsey mining boom, and also the Mason-Ludwig boom in Lyon County. The recorder didn’t have very much help, and

after the prospectors brought in their location notices, about all he could do was to enter them in the fee book and store them in the vault.

Well, it created quite a congestion. He resigned under a little pressure, and Clarence Stock, a Silver City boy who was clerking in the T. J. A. Flaws store for his father-in-law, was appointed by the county commissioners to fill out his unexpired term. So I beat Clarence, but there never was any hard feelings. He stayed in the office and helped me get started when I took it over. The best kind of cooperation he gave me. And from there on I did study law.

This isn't in chronological order, but I mentioned earlier Dad's early employment and vocations, and I forgot one very, very important position that he had. After he was salivated by being amalgamator in the Rocky Point Mill, he had charge of one of the largest wood yards in Dayton. The wood used to be cut in the mountains from Markleeville on north all through the mountains, and in the spring of the year, floated down the river where they had booms across the river, one at Empire and the other at Dayton. The logs were in four-foot lengths, and they were taken out of the river in great piles in wood yards and saved for the C and C engines. We had three large ones in Dayton. My dad had charge of one of these, the largest one in the town, after he left the Rocky Point Mill.

The teamsters used to haul the wood out of the wood yards in Dayton to the mills in Silver City and Gold Hill and Virginia City and bring ore back to the mills along the Carson River. They had many teamsters, and Dad had charge of the wood yard, and as the wagons drove past the gate, he would tell them how many feet, or cords, they had on their wagon— oh, one cord, two feet, or one cord,

six feet, or two cords, and so on—hold up his finger and they'd drive on.

Well, an example of that was brought back to me when I was run for recorder of the county. I drove into an old man's ranch in Mason Valley. He was named Tom Hall, who was a great friend of my father's and was one of those teamsters, and he said to me, "Are you Brad Guild's boy?"

And I said, "Yes, I'm the youngest son."

"Well," he said, "don't waste any time with me. Your father was prized by every teamster in the yard. His word was his honor and we all took his word. And if you take after your father, you'll be a good officer."

Well, it showed the reverence a person had for his position in those days and how those under then had confidence in them. Confidence is an outgrowth of friendship. There is no greater thing on earth than confidence and it all comes from friendship, primarily.

So I was elected. There's not too much excitement in the recorder's office. I was given plenty of help, and in a few months' time, we had all the back recording caught up and the books in good shape.

The county courthouse burned down in Dayton in 1909. At the time, they had a big jury trial going, *Angus McLeod vs. the Pacific Livestock Company, Miller and Lux and T. B. Rickey*. C. E. Mack and George Greene were on one side, and Judge W. A. Massey and Treadwell were the attorneys for the defense, a jury trial which finally ended in a decision for McLeod. The suit grew out of the fact that they had placed a tight darn across the Walker River near McLeod's ranch, and during the high water, the dam was so tight it flooded and damaged his crops. Thousands of dollars worth. It was so technical all the way through that it was later reversed in the

supreme court. But Pat McCarran wrote one of the most beautiful dissenting opinions that was ever written by the supreme court, defending McLeod.

Well, getting back to the point of the time of the fire. The fire in the courthouse started upstairs by reason of an electric wire being looped around a tree and then into the wall of the courthouse. Years wore off that insulation. And that's what started the fire upstairs. The recorder's office was downstairs; the court office, courtroom, the clerk, and treasurer's office upstairs. I stood in my vault and passed out every document and every book out of my office to these jurors who carried it across the street to an empty lot. And I never lost a record. All of the records upstairs were lost, and I and a man named "Gamble" Lotche were the last ones walking out of that recorder's office when the big safe dropped through the ceiling from the treasurer's office upstairs. That's how close we come to staying in there.

We were days putting this stuff together. We rented quarters in the Quilici Building at the corner of Pike and Main Street, and the court moved into the Odeon Hall. We occupied those quarters for two or three years while the battle was on for the removal of the county seat from Dayton to Yerington. The town of Mason wanted it, and the town of Yerington wanted it. It went to court first on petition. They got out a petition to move it and the commissioners denied it. And they had to take that to court to settle it. In the meantime, that end of the county elected a senator and two assemblymen, B. H. Reymers and I. T. Fallon and F. O. Stickney. They passed a bill through the legislature moving the county seat from Dayton to Yerington, and I moved with the county seat.

Fortunately, after that move, there came to Yerington a man who had been president of Baldwin University in Ohio. He was a

Methodist preacher. I'd always taken quite a little interest in the church. (I want to say here that it was compulsory for me and my brothers and sister to go to Sunday school as children. And I sang in the choir in Yerington, sang for the funerals; my brother was a tenor and I sang soprano.) This fellow, Robert Wagner, was admitted to the bar in Nevada, but at that time you had to be a resident a year. So he wanted to school up. And he invited me to come to the parsonage three nights a week to recite to him during this time, which I did, and I did this for three years.

Then in 1914, I took the bar examination before the supreme court of the state of Nevada. I'll never forget— Judge George F. Talbot, Judge Frank H. Norcross, and Judge Patrick A. McCarran were the three judges. I want to tell you, it was rough in those days. It was all oral and started in at ten o'clock in the morning and got through, usually, at five o'clock in the evening. There were seventeen of us in the class before supreme court justices, and they'd fire a question at you on history and then ask each one, in turn, down the line, "What do you think about that answer? Is it correct or not?" And when it reached the foot, you didn't know who'd answered it right or wrong. So you had to really guess sometimes. And the same thing was true on contracts, and equity, and practice, and in history of Nevada. Every branch of law was given orally by these three justices. And I want to tell you, they pounded it to you right!

At the conclusion, Justice Talbot from Elko walked down and shook hands with me and he said, "Young man, you passed a very wonderful examination in here. Undoubtedly, you've done a lot of cramming, as all of you have here in line. Forget a little about that. Go into practice, and the first time you get trimmed in court, just look it up and see why. Maybe you didn't have the right cue. Maybe

your evidence was a little bit twisted. Maybe your authorities that you offered to the court were out of line and didn't compare with the evidence." That was the best lesson that could ever have been taught me.

The day I was admitted to the Bar in Carson City, April 6, 1914, I received a telegram from the Reading brothers in Wellington, Nevada, who are great friends of mine, and they didn't wait till I got back to Yerington. It was delivered special delivery to me at the supreme court building in Carson: "Congratulations. Henceforth you are our attorney." And I was the attorney all the time they were in business until I went on the bench. That friendship grew, I'm here to tell you.

That was in '14. I was married that year. I stayed on as county recorder for two more years, but sneaked upstairs every time I got a chance, to listen to court, and took a few little cases on the side where it wouldn't interfere with me being auditor and recorder. And in 1916, I ran for district attorney of Lyon County against a man by the name of J. E. Campbell. And it was a good fight, but I beat him in every precinct of Lyon County.

I only had opposition in elections for auditor and recorder two times in eight years—the first time, and then a man by the name of L. W. Trankle ran against me during my last term. I want to tell you, going back to the recorder's office, I had a peculiar experience with Canal Precinct (that's now Fernley). There were twenty-one votes in the Canal Precinct; there were five Republicans, four Democrats, and eleven Socialists. And I got pretty well acquainted with all of them. I must have got some Socialist and Democratic votes, because I got something like fifteen votes out of twenty-one in that precinct..

There was really quite an active Socialist organization all over Lyon County, in Silver

City and in Fernley mostly. They were—oh, I'd say of my experience with them as county official, they were always kind to me, and I didn't know— there weren't any real cross purposes. The only thing that I can remember of was when a man by the name of Haywood from the Idaho IWW came in. That is a bigger story, and I shan't get into it now. They rode him out of Yerington on a rail. But they voted their ticket in Silver City and Fernley for their own candidates. (We had a conglomeration of names in Fernley that I shall never forget. We had a Peoples, a Moe, a Mee, a Steele, a Pray. Now, Steele was a Socialist, Pray was a Socialist, Mee was a Democrat. I used to call them eeny, meeny, minie, moes. But they're all good friends of mine.) I can't remember that they had any May Day parades or anything like that, unless they had them to themselves and not as a county affair.

We used to have what we called a "cantaloupe day" in Fernley, and there wouldn't be anything out of the usual at those gatherings. There would be people there from Reno and Fernley and Fallon and all over the country to pick cantaloupes. They were shipped out of Fernley by the carload.

A man by the name of Frank McCulloch and Dick McCulloch (later on two of the bigger cantaloupe ranches there) and then Henry Stock had moved in from Paradise Valley. I remember in my political years, while I was still district attorney, George Willis of Yerington was county chairman of the Republican Party. I walked in from my office, and it was the last day for filing of candidates for the primary. And they couldn't think of anyone, he and Ruel Lothrop (who was the county clerk), to fill out the ticket. They asked me and I said, "Well, why don't you get Frank McCulloch in Fernley to run? He's a knockout."

And they called up and Frank said, "Oh, I never got in politics."

And they said, "Well, Clark Guild's here and he said he wants you to run.

And I took the phone and I said, "Frank, you come on and run and we'll do everything in the world for you." And we elected him, by golly.

Frank and Dick were not Socialists. That E. P. McCulla, who ran as a Socialist in 1908, I think was a Silver City man. That was *McCulla*, and the ones in Fernley were *McCulloch*. It was a different spelling. McCulla was the Silver City Socialist.

A. J. Loftis was county clerk and treasurer of the county in 1908. That's Chester Barton's stepfather. And D. W. Melarky was a candidate against him. A. J. was the Republican and D. W. was a Democrat from Mason Valley. Loftis and I did quite a bit of campaigning together. He was a very fine friend of mine, afterwards justice of the peace in Dayton. And when he was elected clerk and treasurer, he was then in the merchandising business with Charlie Braun; it was Braun and Loftis.

In 1916 I was elected district attorney. George J. Kenney was district attorney of Churchill County at Fallon. I was district attorney at Yerington. We'd become very, very fine friends in all the years that he and I were district attorneys of the respective counties. I first run for district attorney in Lyon County against a man by the name of Campbell, who was associated with Moore and Miller, attorneys at Mason and Yerington.

And by the way, Henry Moore, while I was district attorney, and I become very, very wonderful friends. He was the attorney for the Copper Belt Railroad and the Ludwig mines. Afterwards he moved to Salt Lake City and had the firm of Moore, Mitchell and McGinnis. We had a peculiar case, while I was district attorney, on tax matters. We had a decision in the supreme court of the state that it was against the law for county

commissioners to compromise a tax suit. Tax suits were only brought when the amount of taxes that was due the state and county was over five hundred dollars. And they were brought to the district attorney's office, and the district attorney had a chance to get his costs and also an attorney's fee, beside his salary, for twenty-five percent of the amount recovered. I had to sue the Nevada Copper Belt Railroad for taxes. They had something like twenty-five hundred dollars due for back taxes. I didn't know what to do about it exactly because of that supreme court staring me in the face, and I got judgment in the district court.

I was secretary of Yerington Commercial Club at the time, and Henry Moore, who was attorney for the Copper Belt, come to me and said, "Can't we get together on this suit?"

"Well, what do you want to do about it, Henry?"

He said, "We'll pay the taxes and the delinquency if you'll forego your fee."

Well, I got a brilliant idea. The highway from Mason Valley over into Smith Valley was through what they called Mason Pass, north of Yerington, then into Smith Valley, at the lower end of Smith Valley clear on through the valley. Wilson Canyon was the short route from Smith Valley, Wellington to Yerington, in Lyon County. And the Copper Belt Railroad run through there, but the cattlemen in that end of the valley used that for pasture, and they were very much opposed to a highway going through there.

I had the Commercial Club pass a resolution recommending that, if possible, I should compromise the Nevada Copper Belt tax suit and the money to be used to start a road through Wilson Canyon. I then went to the board of county commissioners, had them pass a resolution authorizing me to settle, if possible, the suit in the supreme court and

that the money would be used to start a road through Wilson Canyon.

Moore and I got together and come to Carson City and we discussed the matter with Justice McCarran, and Pat said, "You're aware of the supreme court decision of the Central Pacific Railroad case, Clark. Are you not?"

And I said, "Yes, but what we want to do here is not a compromise. We want to confess judgment. And Mr. Moore wants to confess judgment if I'll forego the attorney's fee, and I'm willing to do that."

And he said, "Well, we'll help you out." So we got the money and the farmers up in that end of the valley commenced to raise Cain, but they never got by with it because I had them tied down with a commissioners' resolution. And we finally started the road through what's now Wilson Canyon. The main highway from Smith Valley, it went clear from here through Smith Valley. It was a matter of being interested in the county and in getting the close connection with all of my friends over in Smith Valley, who were so friendly to me and wanted to do business more in Yerington than driving clear into Gardnerville and Minden. Besides that, it brought a great deal more travel through Yerington, going south to Tonopah and otherwise.

MEMORABLE COURT CASES

I had several very interesting cases as district attorney. I had two or three murder trials. I had one under the common law. It was very interesting. A man by the name of Jack McFarland, who lived in the town of Mason, had a very fine wife and child. And a pimp got interested in the situation and broke up his family. He left Yerington and went to Grant Falls, Oregon, where he stayed for several months, but because of brooding, he came back, and when this pimp was coming out

of the saloon, he was behind a telegraph pole and he give him what was coming to him. He killed him. And, of course, he had to be charged with murder. And it was my duty to prosecute him. My heart was with him, but my oath of office was different. All the time he was in jail waiting trial, I took him magazines to read. I was kind to him, and before I argued to the jury that day, he leaned over and he said, "Clark, if I get life or hang, I'll never blame a second of it onto you. You've been the most wonderful friend I ever had."

Well, the jury found him guilty of manslaughter. That's about the least they could do because their hearts and sympathy was with him, too. World War I was on. Governor Boyle was governor. I made a trip to Carson City, and I said, "Emmet, this man is not a criminal." I told him the history of the thing. "He did what maybe you and I would have done. He wants to join the army. Will you pardon him and let him?"

He said, "I certainly will." And he did. And that man went to France and was killed in World War I and gave his life for his country.

I had another interesting murder case. A man by the name of Clarence Sage was a Goldfield gunman. He had been in trouble on rape in Arizona before he hit Goldfield. He left Goldfield and come to Reno and Virginia City. A pretty good drinking man, he showed up in Silver City one evening just about dusk, and there were three young men in the Winn Saloon at the bar having a glass of beer. They'd just come off shift from the mine. I shan't give you their names because they're some of them still living, outside of the man that Sage killed. He got into an argument with these three boys and one of them hit him pretty bad. And he went up to the Winn Hotel, where he was staying, and come back with a gun, and come in the door, and he dropped this gun on this boy and killed him.

Old Bill Donnelly was deputy sheriff in Dayton and he come up to take Sage in custody (they'd already taken him and tied his hands up and took his gun away from him). He didn't say anything, but Sage said the first word to him when they were driving to Dayton. He said, "Is the young man dead?"

Old Bill was a rough Irishman. He said, "Yes, he's deader than a mackerel. Did you have a gun on you when you first had that scrap with him?"

"No, I didn't."

"You went to the hotel and got it?"

"Yes."

Well, at the time of the trial, Pat McCarran defended this man. I was right up against it. And he testified, in defense, after all of these other boys had testified to the scrap and about how he left there and come back with a gun, and so on, that he had the gun in his pocket when he had the struggle with the boy in the saloon. I had him nailed to the wall. The gun was in evidence. In my address to the jury, I got up and took the gun and stuck it in my back pocket, and I said, "Gentlemen, when you get to the jury room, you do the same thing. Jump up and down a little bit and see if it'll fall out of your pocket." I turned around and that fellow was as pale as a sheet. And old Pat McCarran just stared at me. They found him guilty of manslaughter, which was very, very light because it was a cold-blooded murder.

I had some damage actions. I had a lot of highway condemnation actions. I had, on the side issue, a very lovely practice built up because I had perhaps seventy-five percent of the Italian trade in Lyon County. I had been kind to them down through the years and they appreciated it. I wasn't money mad. During the flu epidemic in 1918, a great many of them died with flu, some of them lasting two and three days. And some of them left

quite large estates. Some people's misfortune is sometimes other people's good fortune. I probated most of these estates. I was heavily in debt because when Virgie and I married, we built one of the finest homes in Yerington at that time, and I had to borrow money from my friend, Bill Donovan's father, to build it. And you know, those probate proceedings got me out of debt. You don't never forget those things. And their families—to this day, after all the years that I was on the bench, I still represent their children as a lawyer.

A little incident in that connection—when I was first district attorney, I had quite a few clients in the Italian ranchers in Dayton. Most of them were Italian ranchers and I made friends with them. And, of course, when I went on the bench, I had to quit practicing law. When I retired from the bench, one of the descendants of this Quilici family come to me and said, "Mr. Clarky, you be our lawyer once more?" And I am and still am.

Well, the district attorney's office is interesting because it's—well, it's the peoples' office. Everyone gets the habit of going to the district attorney for advice and thinks that the county taxpayers are paying him, and you never can get away from it. District attorneys are bothered that way yet, perhaps not as much as I was, because there were only a couple of other lawyers in Yerington. They'd have their troubles, and naturally, they'd come to the courthouse to see "Mr. Clarky." I never turned them down. I did the best I could and they remembered that. When they had something that there was some money in, why, they didn't forget me.

I never made a great deal of money practicing law or being a district attorney because the salaries were always so small. I only got \$125 a month salary for auditor and recorder the first six years, and then they raised it to \$150. And as district attorney, I

started off at \$150, and after four years they raised it to \$200. And when I was first elected judge, it was \$333 a month and it took it ten years to raise it to \$500 a month. And at the end of my term of office as district judge, I was only getting \$700 a month as compared to fifteen thousand a year now for most of the district judges. But a dollar in those days was worth more than it is now; things were cheaper, clothes were cheaper, food was cheaper. And we got a dollar's worth for every dollar we spent. Makes a difference.

Sometimes I hear people brag about how they work so hard for three dollars a day, but that three dollars a day back there forty or fifty years ago—even sixty years ago—was worth as much as ten and fifteen dollars today, comparatively.

There was a fence boundary line between the Frank Mathews family and Joe Scatina. In the early days they had built a fence along the line of a ditch. And alongside of this ditch line they had planted poplar trees and they grew to be great, big trees—larger than this one we have in the yard that you see, forty to fifty feet high. Now, that [was] the boundary line between the two ranches.

Without permission from Mathews, Scatina commenced to cut these trees down for wood. They come running down to my office and told me about it, and I got out an injunction against him. And then I had the line surveyed to make sure that the trees were on the line. Will Pursel, who sold this line to Scatina, testified under oath that the trees were considered the boundary line ever since he was big enough to walk. The survey proved that the boundary line was about halfway through the trees in part, and in part, because of a jog, they were all on the boundary line.

Well, anyway, it went on for a couple of days, and I decided in favor of Mathews. And the aftermath of that was this fellow Scatina

was very popular. He got to be a good friend afterwards. He was very bitter to think he had lost the case because he wanted that wood. When different Italians would go to him with their troubles, Scatina said, "You go see Mr. Clarky. By God, if he tell you, you don't buck him. If he tell you, he tell you truth."

Well, to begin with, I told him that he couldn't do this, and not to cut any more, see. He defied me and that's why I had to take him to court. I went to him like a man, see? And I said, "You can't do this. This is the boundary line," and explained the law to him. He as much as told me to go to the warm place, so I went back to the office and got out an injunction, and, of course, that taught him a lesson. Well, he never forgot it. It helped my reputation as a lawyer considerably.

Some of the interesting cases, of course, as district attorney, are justice court cases. And as district attorney, I was official city attorney of the city of Yerington. I had a constable in Yerington. He was a hot tamale. They had an ordinance prohibiting the women from the underworld from coming to town and spending any time in the saloons, soliciting, or even being in the saloons. And the girls would break that [law] once in a while and this constable would run them in.

Well, this particular time, this girl found herself an attorney, and he demanded a jury trial. And he had a fine defense. They had an old justice of the peace that was very sincere and honest. The scheme behind the constable was that he got a fee for all those arrests, besides the salary, you know. The more he arrested, the more money he made. And he made quite a business and practice of getting these girls when they were in front of the saloon and not even inside.

So this jury was pretty well acquainted with his conduct, see. And by golly, they turned her loose. Well, it kind of broke the

spell, see? It taught him a pretty good lesson. And he kind of quieted himself down after that, considerable.

Another interesting story about that. An old man by the name of Omer Stallard was one of the jury veniremen. This might not be proper to put in print, but in examining him on his *voir dire*, I said, "Mr. Stallard, if it should appear from the evidence that the defendant here is a lady of the underworld, would that have any effect on your verdict? And would you give both the defendant and the state of Nevada a fair and impartial trial?"

"I sure as hell would. I'm four or five years behind at home. Why shouldn't I?"

"You're excused, Mr. Stallard."

I was numb. in the justice courtroom, and I guess maybe that helped the jury to turn the girl loose. Golly sakes!

I think one of the most interesting stories I had as district attorney, in my side practice, was a little case I had up in Wellington. The day I was admitted to the bar (I think I told part of this before), the Reading brothers, who run the Reading Mercantile and Transportation Company in Wellington, wired me that day: "You are now retained as our counsel. Congratulations."

Shortly afterwards, they brought into my office at Yerington an account of an Italian boy, to sue him on this account. They had sent him bill after bill, and he couldn't respond, so he hired a man by the name of J. Andrew Guttery, a neighbor of mine, a good lawyer, a graduate of Michigan, to defend him. And Guttery and I rode up to Wellington together, perfectly good friends.

They had a system of bookkeeping in those days that is pretty much the same today. The grocer gave the customer the carbon copy and filed the original of the tab, the sales tab, see?

Well, Reading was suing this Italian boy for \$110. The Italian boy claimed that he'd

paid a hundred and only owed ten. So the argument come forward and I asked Mr. Reading to produce the original sales slip and he did. And it showed ten dollars. Guttery argued pretty hard that that wasn't the best evidence. The old justice of the peace, Pierce, leaned back and he said, "Mr. Guttery, what Clark Guild says in this court goes. He's correct."

Guttery just laid back and laughed. But the sequel of the story was that he asked for a recess. And he took this little Italian man out behind the jail, and he cussed him up one side and down the other. He had marked the one in front of the ten with a lead pencil. See, it was hard to detect unless we had that original tab. And he said, "You owe me fifty dollars for my coming up here and trying to defend a rat like you. You pay it or I'll sue you, and you pay this bill to Reading and his attorney." I said that I was only going to charge him twenty dollars.

He said, "You're a damn fool. You ought to charge him just what I'm charging him. You always get your money out of a cheat if you can."

But I didn't. All the way back to Yerington, every once in a while, Guttery'd talk, talk, talk, "Never going up there to try a case with you again, Clark."

Well, that reputation got around, and he told the story all over Yerington. "Well," they'd say, "don't never go up to Wellington in Pierce's court when Guild's on the other side."

The old judge didn't mean to say that, you know, but he just got excited because he thought I was quoting the law right, which I was.

There were other judges—Judge Frank P. Langan and Judge T. C. Hart. Judge Langan was one of the best judges on evidence that I ever saw or ever heard in my life. He had snappy eyes and his rulings were quick and snappy. He married the children's mother and

I. And we were very fond of each other, down through the years. He was a great storyteller; he used to tell some very, very wonderful, truthful stories that happened on the bench, even before, by his predecessors, while he was district attorney of Storey County. He was the presiding judge when the courthouse at Dayton burned.

Langan was on the bench before Hart. You see, Lyon County, when I was first recorder and auditor, and part of the time when I was district attorney, was in the first judicial district. Later, it was put in what was the eighth judicial district. That was Lyon and Churchill County. (And then in 1930, the eighth and the first were put together, all five counties—Storey, Ormsby, Douglas, Lyon and Churchill, and I become judge of the five counties in 1950. Before that, I was judge only in two counties, Lyon and in Churchill.)

Anyhow, Langan tried many important suits, and many times, even when I was recorder and auditor, I'd sneak upstairs and listen to what was going on. And he'd always kid me about it and help me, give me cues, and so on.

Hart was the district judge when I prosecuted Sage for murder. And he become very seriously ill (and you could tell it) during the trial. Oh, Lord, Pat McCarran gave me an awful trimming because he had Hart ruling all his way. Pat would pull a Texas decision, supreme court of Texas. And they weren't considered too strong in those years, but the *Pacific Reporter* was (the law of the Pacific Coast states), and I'd pull a decision from the *Pacific Reporter*, maybe Kansas or Utah or California, and Hart would overrule me. You could see that the poor old fellow was slipping, but I couldn't do anything about that.

I thought that had a great deal to do with having the hung jury. I said he [Sage] was convicted of manslaughter. The *first* jury

trial was a hung jury. It was nine to three for conviction. Then we had to have a new trial. Hart tried the first case. It was Joe McNamara who tried the second case, Judge McNamara. That's when the jury found him guilty of manslaughter. No regrets about that. I think the fellow was guilty of cold-blooded murder. But it took us two weeks to get a second jury. Our venire was practically gone.

I remember I had a friend, chief of police in Yerington, watching that trial all through, sitting in the audience. And he followed me into the office one recess, and he said, "Are you watching that jury very close?"

And I said, "Well, I'm watching the witness more closely."

"Well," he said, "there's a fellow sitting there on the end next to the courtroom that's looking around the courtroom and chewing gum. He isn't paying one damn bit of attention to those witnesses."

So I got to watching the fellow (I won't mention his name), and that's just what was happening. He and two or three more of them. There was a fellow from Ludwig, was disinterested; he was bobbing back and forth in every direction.

Well, in a county that small, where it took ten days to get the first jury and over two weeks to get the second jury, your list of good, qualified electors pretty well runs out. We had to issue two or three special venires for jury call. So they were pretty well exhausted. I never had any serious regrets. The guy served some time and was finally paroled. Got out of the country. But he had a bad reputation.

I'll never forget, though, how I got that one-way conviction (even though it was a nine to three decision) when I put that pistol in my pocket and danced around and asked the jurors to do the same thing. And by the way, he did not testify to that on his second trial. He knew that I'd catch him in a lie again. He

was trained by Pat McCarran, who was a very prominent and a wonderful criminal lawyer. They never had a better one in my opinion.

Judge Hart died in 1924, in the latter part of September. Judge George J. Kenney was district attorney of Churchill County and I was district attorney of Lyon County, and we were very, very fine friends. Kenney was a Democrat and I was a Republican, although judges had to run nonpartisan by law. Well, quite a crowd of us went over to Judge Hart's funeral from Yerington. Two of them were very close friends of mine, Senator George Friedhoff and Matt Penrose, who was sheriff of Lyon County and a warden at the penitentiary, and several more.

James G. Scrugham was governor, and he took Kenney's appointment over to the funeral and delivered it to him. Well, that made everybody in the crowd from Yerington very unhappy. They thought that the least he could have done was to have waited a few days. We got to talking about it coming home, and Friedhoff said to me, "Would you like that job?"

I said, "Well, who wouldn't? That's a goal that every lawyer likes to have."

"Well, what do we do?"

And I said, "There is nothing you can do. It's too late to go on the ballot."

Langan was then practicing law in Yerington, and we got back to Yerington and Langan said, "I think that the law is that you can file a petition with the secretary of state and he'll have to put him on the ballot." So he and George Sanford from Carson City here and these boys in Yerington got a petition out with the required number of names nominating me.

Sanford and Judge Langan brought it to file with W. G. Greathouse, who was secretary of state, and he refused to file it. He was a Democrat. So they took it to the supreme

court and the supreme court reversed him. And they stipulated Kenney and I could both be candidates, see. So that pitted us against each other as good friends—I went to Churchill County and he'd come to Lyon County.

Well, it was close. I had a lot of friends in Churchill County. Some of them used to live in Lyon County, the Towles and some more of them. A little better acquainted in Lyon County; Lyon County had more votes. But I only beat Kenney twenty-eight points for judge. You know who called me up first? George Kenney! Never, never a word of unfairness or anything but praise for each other. Every place we went we spoke kindly of each other. We remained close personal friends until he died. And when I resigned, I went to him and tried to get him to put in an application to follow.

And he said, "Clark, if I were younger, I would be awful glad to follow you. But," he said, "I'm getting along in years and it's too heavy a job. You've got five counties." And he said "I couldn't take it like you're taking it."

So Frank Gregory made an application and was appointed.

I was admitted to practice before the Supreme Court of the United States at Washington, D. C., April 20, 1948, introduced by Senator McCarran.

YEARS ON THE DISTRICT COURT BENCH

Well, your troubles start when you get to be a judge, I can tell you that.

One of the finest friends and hardest workers I had in Fallon was Carl Dodge, Sr., Senator Dodge's father. And he worked very hard for me because he was very close to Lon and Charlie Towle, some of my friends over there that campaigned very hard for me.

And the first case I had was an appeal case from the justice court, with Andy Haight representing Carl Dodge, and Judge Kenney

representing the defendant, the story over there. I heard the evidence, and I took it under advisement. I'd come home and pace the floor and I'd wake up nights, and Virgie said to me after two or three days of this, "If this is how it's going to affect you being a judge, I wish you'd quit."

I said, "I'm worried. I don't know what to do. Kenney's right. And I know Haight and Dodge are going to be sore at me."

"Well," she said, "haven't you got a conscience?"

I had written about a ten- or twelve-page decision giving every excuse you could think of, see? Well, I cut it down shortly to maybe half that length, and brought it over and filed it.

In the meantime, they had made me an honorary member of the Rotary Club. Dodge and Haight were both members of the club, too. Bob Douglass was an old friend of mine who lived in Dayton before he moved to Fallon. He was on one side of me and Carl Dodge on the other. Carl said, "A hell of a decision you gave me over there."

And I said, "What kind of a judge do you want? I think I'm right. I think I've followed the law and the evidence."

Bob Douglass looked at him and he said, "How do you like that?"

And Carl says, "By God, that's the way I like it. That's the kind of a judge we want, and we found it damn quick."

First case I ever had, oh, it was terrific! I had a lot of cases after that. That was the tough one. What to do? Go against Kenney, who had been my opponent in the race for the office, in favor of people who had been my friends for the office? He had settled the question forever as long as I was the judge. I never had to dream about those kind of things again.

I worked hard and long in my decision. I was only reversed five or six times in almost

thirty years as a judge, and there never was a record like that piled up on the district judge in the state of Nevada. I'm proud of it. It took long, long hours. The average lay person thinks all a judge does is to go to work at ten o'clock and quit at noon, and two till four. His work just starts after he recesses at four, sometimes long into the hours of the night, and before breakfast, sometimes, and before court.

As a judge, I always used to take up juvenile matters before the regular ten o'clock hour because I could hear them in chambers, instead of exposing the kids in the courtroom, and so on. And it worked wonders. I never had but three failures in juvenile matters in all the years that I was a district judge, three that I sent to the reform school. I'd bring the parents in. Oh, I had sometimes to take them away from the parents, farm them out.

I had an experience one time with a little fellow that tapped the till in a service station. Ralph Vannoy was the sheriff. I had a system in my district. I had the county commissioners appoint every one of the sheriffs of my district probation officer for an extra salary of twenty-five dollars a month each. It worked wonderful. (Now they all have probation officers.) When I found the advantage in it—I still think it was a wonderful advantage, having someone close to the situation, and not having the judge to take it secondhanded. Throw a probation officer right in here to testifying instead of getting the kids or the parents.

This little fellow was in court this particular morning. I said, "Ralph, what have you got?"

"Well, I got a boy that tapped a till over here. We'll go into court and get this over with before ten o'clock."

I walked in and notified the little guy. He was from Berkeley, and had run away, hungry, no money. And I took a story and got through

about a quarter to twelve, I remember. Got up to leave, and, of course, he was at the table, and the sheriff walked out ahead of him, and I noticed he limped.

And I called Ralph into chambers and past the door. And I said, "What's the matter with that boy?"

And he said, "Well, he's a cripple."

I said, "What did he want to do? What did he come up here for?"

"He'd love to go on a ranch and learn to ride a horse.

"All right, bring him in after lunch."

I had a trial going on, and I said, "I'd just like to take five or ten minutes of you gentlemen's time in the court. I have a boy here that is not a bad boy. He's a good boy; he needs a home. He's run away from home. And he wants to live on a ranch and learn to ride a horse. I wish I knew what ranch to send him on."

Here come a man walking up the aisle. He said, "Judge, I'll take him." Chris Theussen. He took that boy, give him a pet horse, brought him to school in his car, kept him for a year, made him write to his mother. His mother came up for a visit.

"Can I stay longer, Mama?"

"Well, if Mr. Theussen wants you go, although I miss you."

"I want to stay. I want to be a farmer."

Theussen put that boy through high school.

That's an example of what you can do with boys if you know how they click. I could write page after page of juvenile matters. Because I loved them, and because I had children of my own, and because I was raised properly. Sure, I was mischievous. I got into mischief. I did some things I shouldn't have done as a boy, but we didn't have juvenile courts in those days.. I almost blew up the mining claim in

Dayton, another kid and I, at one time. I told you about that, didn't I?

I talked a lot about juvenile delinquency, but there was another thing that I got more pleasure out of than anything else in being a judge, and that was adoptions. People don't stop to think that everything before a judge is somebody's trouble, everything—divorces, damage actions, murder trials, criminal trials. Everything that you can think of is someone's trouble, except adoptions.

I've got children all over the state of Nevada that I'm godfather for, as a judge. And they're grown children, many of them now, with families, and I get Christmas cards from a lot of them. Some of them graduated this year from high school, even.

Someone comes in, making a home for a little one. You know it's an orphan. You know it hasn't a chance for a home. You know it'll grow up wrong if somebody don't take it in tow. Many of them are born out of wedlock, but that's never known to them through our adoption proceedings. The record is always sealed if they're born out of wedlock. But sometimes they're born of poor families that can't afford more children, and they want a home for the little ones. And I want to tell you right now it's one of the finest things that I ever knew of in my entire life as a judge, to sit and to enter the order for a little one to be adopted into a home. And by the way, I never charged for an adoption matter in my life as an attorney. Never. Too much joy in it. Too much doing good.

Judge A. J. Maestretti was a great man for that, too, in Reno after I retired. I represented several people over in Reno on adoption matters. I had this adoption several years ago before Judge Maestretti for a very prominent family here in Reno. They didn't have children and couldn't have children. After the

proceedings, the old judge said to the father, "Have you started a little bank account for the prince?"

"Yes, we have."

"Has he got a Carson City minted dollar?"

"No."

"Well, after recess we'll come in chambers and I'll be glad to give him one."

Two years afterwards they adopted a little girl. Same procedure. "Has the little queenie got a bank account?"

"No. We started her one, not very large yet."

"She got a CC minted dollar?"

"No."

"Well, we'll see that she gets one. Right after recess we'll go to chambers." And he did.

You know, he never drank or gambled in his life. He spent hours sometimes walking around those clubs in Reno, watching gambling. I went out with him to cocktail parties; he always had orange juice or something else. I never saw him take a drink.

He was district attorney over in Lander County when I was district attorney. He had two or three hundred Carson City silver dollars in that big safe in his office, and he'd give them away to these adoptions. And he made me a present for the museum; he made me a present of two or three of them that we didn't have, and also a trade dollar that was minted here.

I had an interesting murder case as judge. A young lieutenant and his wife were on their way from Idaho down to Camp Ord. They went by way of Twin Falls and Ely, stayed all night in Ely and were crossing Highway 50 to Eureka, Austin, Fallon on their way to Reno to stop, and then on to Fort Ord. They gave a hitchhiker a ride from Ely, until they got a little past Fallon, where the "Y" is, coming into [Highway] 50, where it branches off to Hazen

and Carson City. He was sitting in the back seat, and there was a monkey wrench on the back seat. The lieutenant and his wife were in the front seat, the lieutenant driving. The hitchhiker reached over and clubbed them on the head with this monkey wrench.

(I'll tell you some of the story that developed in the case.) He then turned around and drove back to the desert, down below Beatty, and buried these bodies. But he had the car. And he had a wife living in Fallon. So he went to Reno to peddle this car.

Somehow or other, a checking station as you go into Ely, or on the Idaho-Ely line, maybe, had taken the license number and make of this lieutenant's car. And when he was registering at the hotel in Ely, they always, on the registration card, give their registration number and make of car, which is common.

Well, this fellow claimed in his preliminary examination that he was never in their car, never met them, never knew them, never was in Ely, except once, and he went from Ely to Tonopah, and from Tonopah back to Fallon.

Well, Ralph Vannoy, who was sheriff of Churchill County, got a picture of this guy. Probably couldn't do it now, under Supreme Court ruling, but he took it anyway. He conceived the idea of going to Ely and checking across the state of Nevada. He checked at the hotel and showed them the picture, "Yes, this fellow was in here. I think he got a ride with some soldier."

"You know what his name was?"

"Well, we got his ticket here; we got the car."

He got the [make of] car, drove on to Eureka, stopped at the restaurant, and showed the fellow at the restaurant. "Ever see this before?"

"Yeh, he was in here with a lieutenant and his wife. They had lunch here."

"Uh huh. Do you remember that?"

"Oh, yes.

Well, they had the clue. Then he tried to sell this car in Reno. And, of course, it was advertised—I mean, the sheriffs and the chief of police had the number of the car by this time. Ralph had given it all over the country, looking for the man who stole this car. And they traced it down and arrested him.

Now, they say he claimed he never was there. Well, at the preliminary hearing, after it was checked, I appointed an attorney for him, a man by the name of Frank Koehler from Yerington. He put up a good defense for him. But the jury found him guilty, and sentenced him to death, which was proper, for a dirty, nasty, cold-blooded murder.

A couple of days before he was executed, or gassed, at the penitentiary down here, he sent word to the warden that he wanted to see me. The warden came up and told me, and I said, "What does he want?"

The warden said, "I think he wants to confess to you."

"Well," I said, "you tell him I am not a minister of the gospel. Send for a preacher."

And he confessed, and gave the preacher a map of where he buried these bodies and a lot of their clothes, and so forth. They afterwards found the bodies down there. But he did confess the day before he took the gas. There with a wife on his hands, see? And a cold-blooded murder.

You know J. E. Sweatt in Reno? Tell you what he did one time, driving from Reno to Fallon. Picked up a hitchhiker at Hazen, bought him a coke, bought himself one. They drove within a couple of miles of Fallon, the fellow reached over and tapped Gene on the head. Gene had control enough that he put on his brake and didn't turn over or anything. But the fellow jumped out of the car. Gene wasn't seriously hurt or anything, but he run

into a store near there (that's about a mile this side of Fallon), phoned the sheriff and they picked him up. They sent him to the pen. I think they gave him one to five years. Attempted murder.

Gene signed a petition for his parole. And I got wind of it. And I gave him hail Columbia. I said, "You were pretty near killed. You got taught the worst lesson—or the best—you ever got taught in your life. I don't think you've ever picked up a hitchhiker. *I never have.*"

He said, "Aw, hell, Judge, he's served long enough."

I said, "That's the way you think about it, but you don't get my approval."

I never pick a hitchhiker up. I just won't do it. If they're in town at a service station and I know something about them, maybe I'll give them a ride, but never on the road.

While I was on the bench there was a woman convicted of manslaughter in Las Vegas. She was charged with murder. This was when my daughter and Governor Russell were at the mansion, and this woman was a trusty up there. I would go there very often and babysit, and almost always she would bring up the subject and she'd say, "Judge Guild, I'm not guilty."

"Well, the jury found you guilty."

"But they made a mistake. I'm not guilty. I never touched that woman."

She was here from Hawaii for a divorce, and she was accused of going to this woman's house after she had left to get her mail, and the woman was very angry at her and attacked her, and she slipped and fell and hit her head upon a can opener. Emma Jo Johnson was arrested and charged with murder. On the last day of the trial, an anonymous phone call come in from someone in Las Vegas saying, "That woman is innocent. She didn't kill her landlady." Well, they couldn't trace it down.

The case went to the jury, and they found her guilty of manslaughter, and they sent her to the penitentiary.

I went down to the warden's office and asked the warden if I could look at her jacket—that's called the prison record. Art Bernard was the warden then, and I said, "This girl says she's innocent."

And he said, "I believe her. I don't believe she did it, Clark."

I was pretty well convinced, after reading the jacket, that she got a raw deal, because her attorney told her that she would be out of the penitentiary before they could appeal the case and take it to the Supreme Court through all that red tape. She'd only have to serve two or three years, and besides that, her people, who were very poor, had put up money for her. They lived in the Middle West. They were out of money, and he wanted another \$5,000 to carry the case to the Supreme Court.

[Erle] Stanley Gardner come into the scene through the efforts of Warden Bernard. He come up to the prison, examined the jacket, and he went back to Las Vegas and examined the record there, and he found they had not held an autopsy on this woman's body. So he come to the conclusion that that was the first big mistake. They finally traced down the man that made the telephone call. He was a physical therapist and he was afraid—he was giving this woman chiropractic adjustments, and he was afraid if he revealed his name he would lose his practice and his license as a physical therapist. Anyhow, he confessed he was the one, and he said this woman "went out" on him on several occasions while he was giving her treatments, and he was convinced by reason of that that she fell accidentally on this can opener, and that this Emma Jo didn't touch her.

Gardner got busy and sent to a very renowned pathologist in Michigan and

another one in St. Louis and they come out and examined the record and examined this man, and they all concluded that she was an innocent person. Well, what to do about it? Gardner called me into conference at the warden's office and wanted to know if it was possible to get a pardon.

I said, "Well, I don't know. Under all the circumstances, I think the board would listen to you."

So they called in Dr. Ernest W. Mack, also, in Reno, to testify as to the apparent brain condition of the deceased person. He then called in Miles Pike with me. Miles at that time was chairman of the Nevada state Bar. We all appeared before the Board of Pardons and suggested a pardon, and they granted a pardon to her. The people in Las Vegas were very kind to her; they furnished an apartment for her and paid her way down there until she wanted to return to her folks in the East.

In the meantime, Gardner called me up one day and wanted to know if we'd go on the TV down in Los Angeles on "This Is Your Life," and I told him, "No," that I didn't think that I wanted to do that, that I was still a judge and I didn't want to do anything that would reflect upon my position.

And he said, "Well, this would be one of the finest things for innocent people and for justice, to know that you took part in this, and also Mr. Pike, as president of the Bar, and I assure you that nothing will be said but what the people will praise." And so we went down, and it was quite a conference, and it was quite a deal. He had sent for her father and mother to come out from the Middle West, and he kept them away from this television testimony that we were all giving, and then brought her in and announced her. And I want to tell you there wasn't a dry eye in that house—everybody there was bawling, and I was one of them, too. It was one of the most pathetic

things I ever saw in my life, but justice had been done, for which we were all very glad.

That TV program went all over the United States. That August following, I went to Des Moines, Iowa, to the Supreme Lodge of the Knights of Pythias. Many of my Pythian brothers said, "We saw you on TV. That was wonderful of you, Judge, and, by the way, they're having a replay of it on TV here at the convention in honor of you." That's the story of Emma Jo. One of the nicest stories that I know of where justice was a long time coming but finally prevailed.

I don't think I mentioned the fact that I divorced Elliott Roosevelt in my court at Minden. Sam Platt was on one side and Lester Summerfield on the other. That was in the days of closed hearings in court, and as I come out of the courthouse, many of the reporters wanted to know about the testimony. And I said, "Well, it's a sealed record. I'm very, very sorry, but that's the law, and I can't tell you anything about it except that the divorce was given on the grounds of mental cruelty.

I went to Chicago shortly after that to another Supreme Lodge convention, and I was hounded to death by the press there. They'd come and call me out of meetings of the Supreme Lodge, and wanted to know all about this Elliott Roosevelt divorce case. I got tired of it one day when the man from the *Herald Tribune* called me out of a judiciary meeting, and I said, "Well, the only thing I'm sorry for—that it wasn't—I'd like to have divorced his father from the White House." Well, it made a hit with him because he come to me and wanted me to write a story about marriage and divorce and furnished me with some copy and material, but I never got around to do it; I was always too busy.

I was holding court at one time in Reno for a divorce case, and the party was deaf and dumb. When the case was ready for trial on that

day, I administered the oath through Attorney General [Gray] Mashburn, who had taught school in Arkansas before coming to Nevada, in a deaf and dumb school there, and he was very proficient in it. The only experience that I ever had in that line in my life. And after the divorce—he had a young lady with him and they wanted to be married. So I repeated the solemn ceremony of marriage vows through Gray Mashburn to each of them, and all they did was answer with the hands and so on, and it was quite a treat. George Greene, an attorney in Reno, who was a witness there with Gray Mashburn, said, "And we think *we* have troubles! Look how happy they are, Judge." And they were grinning and happy, and he handed me a five-dollar bill and I put it into her hand, and I said, "Buy some candy." They laughed at each other, put their arms around each other and went out. It was a wonderful experience to have been able to see how happy those two deaf and dumb people really were.

This is a newspaper account:

The clause in the six weeks' divorce law passed at the last session of the legislature providing that a married couple that have not lived together for five years as man and wife should be granted a divorce was upheld yesterday by the state supreme court. The case was first tried by Judge Clark J. Guild. Harlan Heward was counsel for Amelia Progress at the time of the trial, and Guild held that it was retroactive and granted the divorce. William Boyle, representing Progress, maintained that it was the intent of the legislature that the law apply to any existing case—

And Billy Boyle, by the way, represented him; Harlan Heward was for the defendant. They were separated for over a period of six

years. There was no sense in trying to hold a marriage of that kind together—they weren't living together.

And another very interesting (newspaper account], I think, was:

Nevada's Gag Law Defied by Guild

Judge says he'll defy press gag in Nevada. Secrecy is deplored by Clark J. Guild, of First Judicial District Court.... A writ of mandate will be required. The jurist stands by first statement after Governor Balzar makes the law.

In March, 1942, there was quite a wrangle going on about the freedom of the press and the granting of closed hearings in all divorce cases. We had a law—and it still is the law—at the request of counsel, the hearing can be had behind closed doors, just as it was at Minden in the Elliott Roosevelt case. But they attempted to pass a law in the legislature that the press should be present at all times. Well, I kind of agreed with the press in more ways than one. There was a long article in the Reno papers, and they quoted in the *Carson City Appeal*. And I said, among other things, that I believed that it was an invasion upon the rights of the court to close the doors. I do not believe in a lot of curiosity seekers being present when two persons air their marital differences, but neither do I believe the court should act as a puppet. Open courts are the means by which the public can know what is under trial and what a case is about. The press is the connecting link between the court and the public.

I am liberal on this matter of divorce, and believe divorces should be granted in cases where two people cannot get along, but I do not believe in it as a business, or in sacrificing the dignity of the court. I'd like to

enlarge on that a little—I mean, about my philosophy of this divorce mill image that we have here in Nevada. I don't feel that attempts at reconciliation are useful by the time it gets to the courts, at least not very often. But I don't think that all divorces should be granted. I think if there's a possible chance for reconciliation, it ought to be exercised. During the years that I was a judge I helped to effect many reconciliations, because I felt that there was children involved, and I didn't feel that the evidence was too severe on either side. And I would call the people into chambers. And many, many a times I had them leave the chambers with arms around each other because they made an honest mistake. Of course, I was liberal, but where there were children involved, there was always something that impelled me to see if I couldn't do something to unite that couple. If it was a long, drawn-out period of living apart, separate from each other, the children were grown—that was different. But when the little tots couldn't speak for themselves, somebody ought to speak for them, and I tried that many times, and sometimes, I want to tell you that I was glad to be successful.

There was a piece in an editorial in regards to some of these things, "A Good Principle of Government."

Judge Clark J. Guild did more than declare a policy of the court, over which he presides, when he stated recently, that, "as far as I am concerned, the courtroom will be open to the press and the public unless there is a necessity for a closed room, which I promise will come if necessary. I believe the courts are, and should be, wide open to the public, and I have nothing to conceal from the reporter or the public. The enactment

referring to the secret provision of the new divorce law, according to my personal opinion, should not have been placed on the statutes.” In these words, as I view it, Judge Guild stated it, an excellent principle of free government, which should apply not alone to the courts but to all sessions of all governing bodies of whatever nature. It is not at all likely that the newspapers will print, or the public demand, the nauseating details which accompany the trial of some divorce cases that find their way into the courts. On the other hand, the court machinery belongs to, and is supported by, the public and should not be open to the suspicion that its use is a private matter of concern only to the litigants and their attorneys. When people go to court with their troubles, they should understand that they’re resorting to relief provided by public funds, and that it is the public’s business how that relief be administered. The same thing applies to official acts of all governing bodies or governmental agencies. They are created, and their personnel are employed by, the people at public expense, and they should transact no business that will not stand publicity.

I agree with those kind of views, and always fought for them seriously. They say I had many very prominent divorce cases. granted a divorce to Hortense Odlum (her maiden name was Hortense McGuire) from her husband, Lloyd B. Odlum, New York investment magnate. This was the—.

...[Mrs.] Odlum a year ago became the country’s first woman president of a large retail store, Bonwit-Teller, Fifth

Avenue, and followed up her executive initiation with a brilliant, successful demonstration that a woman knows pretty well what other women want. She obtained her position in the business world in her husband’s firm, the \$100,000,000 Atlas Corporation, of which Odlum was president, took over control of the store on upper Fifth Avenue. The divorce, obtained yesterday, in Minden, therefore, still leaves Mrs. Odlum associated in the business enterprise with her husband.

So, what’ll it be? They couldn’t live together as husband and wife, but they were good business associates.

Another one, another very prominent case, held at Minden, was Mrs. Edna Hoffman Westphal, [suing for] a divorce from Dr. Edward G. Westphal on the grounds that he was cruel, inconsiderate, and at the same time completely exonerated him of the most sensational charges of sadism and immoral conduct during the seven days of their married life—they were only married seven days—and she accepted \$7,500 in alimony in the divorce suit. She was suing for \$200,000.

In granting a divorce to Mrs. Westphal, Judge Guild delivered one of the most outstanding statements yet to come from the bench of a Nevada court since this state became the mecca for mismatched couples. The charges of Mrs. Westphal were so glaringly fabricated that Judge Guild took occasion to touch upon them, declaring that, “Hell hath no fury like a woman scorned.”

Following is the oral opinion handed by Judge Guild: “I want to say a word to each of you by way of

comment. As I said at the beginning, there are many, many things that might be said in matters of this kind that had better be left unsaid. The responsibility of deciding this matter is now upon the court, and not upon a jury. Courts are always glad (I know I am) to let a jury take the responsibility of deciding these matters, but the responsibility is on our shoulders and we must satisfy our own conscience. And if we couldn't enter into these matters with that frame of mind, we would not be entitled to hold a position of this kind. In these agricultural counties where jury trials cost a considerable amount to the taxpayers, and especially in these small counties, this court has felt, and still feels, that if we can receive as much as an intimation upon the part of the attorneys in any case, not particularly in this case, that the judge will be unsatisfactory for the trial of the case, to save the taxpayers of the county the cost of a jury, we would be willing to stand to one side and get another judge. I only mention this fact because I mentioned it at the preliminary hearing, that, as I said, the responsibility is now upon the shoulders of this court to decide and we have decided."

"Maybe the most gracious thing to do when parties have come to a parting of the way is to adopt the western spirit and enter into the chivalry of the occasion and give it to the ladies. Without mincing words any further, there is in the minds of the respective parties or their counsel that a grave and serious charge is before the court. In passing, I want to say

that under no circumstances would I have given a charge to the jury on the evidence that is before me on sadism. I would have been compelled, as I view the law and medical authorities submitted to me by Mr. Hawkins, to have had expert testimony upon the fact in addition to the testimony of the defendant in the action which is before me. There is sufficient evidence in the records, and under our statutes, the court might have given either of these parties a decree of divorce if both parties had been asking for a divorce because there is no doubt but what these parties have come to that stage where they can no longer happily continue as man and wife, and they not be tied with a marital bond when it is obnoxious to them. But I want to say that from the evidence that is before me now, and that both are standing on, I am convinced that the charge made by the defendant toward the plaintiff is unlikely. I say that with the sentiment that anyone must naturally have who has the responsibility that is connected with the position such as I occupy. The mere fact that the defendant in the action has made an accusation and has testified under oath to certain things that were done is not in itself sufficient, in my opinion, to constitute a crime as grave as that may be. There are other elements to be taken into consideration that need not by me be mentioned and elaborated upon at this time, but with the evidence that is before me, I do not hesitate to say, and I say it from the bottom of my heart, that there is not sufficient evidence to sustain a charge of that kind.

This was a very prominent dentist, and Bill Kearney represented him. The case was before the jury, and she charged sadism against her husband, and Kearney brought a very prominent doctor or two from Reno. This man had been married before, and brought his children into court. There were six grown children in the family, and, oh, they laid her low! I want to tell you it was the biggest farce that I ever listened to in my life, her charging her husband with sadism. She didn't prove anything, and that's why I had so much to say about the case. But the attorneys got together—she was suing for \$200,000—the attorneys got together and settled for \$7,500. I don't think I ought to have given her that much.

What makes people swear to things that they know are not true? Well, revenge. Some people come to the parting of the ways and they have no love or no feeling for each other. They have forgotten what little pleasure they might have had along the way. They have forgotten that they courted each other in most instances. They have let hate move in, and as I said, "Hell hath no fury like a woman scorned." And it's just as bad for a man—they let hate come into the situation, and they'll go any route. You almost have an intuition after a few years of being a judge and watching a witness on the witness stand under oath. They have certain habits that you get used to—I shan't mention them because I'll be educating some of the lawyers. But you can tell by the expression on their faces, how they hesitate when they shouldn't hesitate at all about a plain question—is it yes or no? They are afraid of making a mistake. Another thing, they'll hang their head when a direct question touches their vanity a little bit. They'll cough sometimes when there isn't anything in their throat to cough about. There's a lot of little things that, almost impulsively, a judge learns

to watch in a witness on the stand. Sometimes I've had juries that will look around the courtroom, but I want to tell you, I watch a witness—always did.

And attorneys. Sometimes you can tell when an attorney has a good case and when he has one that he's just going to pull through. I've had some pretty good experiences along that line. Some things happen.... I told you that I have a box about six feet long and three or four feet high full of my minute books.*

I had occasion to try a case in Fallon on a demurrer, and it was cited to me by the attorneys on the side (and all the attorneys on these cases are gone now). I was sitting for Judge Thomas F. Moran in Reno, and almost the same identical questions came up on a demurrer—pleading used to be a real art. It's more of a simple matter nowadays, but pleading was—in the days when I was an attorney and on the bench, it was a real art. And sometimes there was a demurrer with a complaint in the second demurrer, to the amended complaint, and then the answer to the demurrer to the answer. It went on until they got things in very, very wonderful shape. Well, in this particular case, trying it for Judge Moran and these two attorneys—Charlie Nichols was the bailiff and he was an attorney at law, too, and there was cited to me a decision. I made a note of it quickly, of this Kansas case, and I said, "Gentlemen"—it was four o'clock, and the matter submitted—

"I want to look at the library a little bit this evening, and I'll rule on this case tomorrow morning at ten o'clock." They left, and they left some of these books on the table for the bailiff to carry back into the library. And I said, "Charlie, bring me that *Pacific Reporter*

*See Guild papers, University of Nevada, Reno, Library, Special Collections department.

up here, will you?" And he did. And I said, "Did you hear so and so say that this case was all in point, that he was citing to me?"

"Oh, yes," he said.

"Well," I said, "I want to show you where it wasn't." I turned to it, and he had read to me the dissenting opinion of the Supreme Court. I closed the book and left it there. The next morning came on, and both were there. I said, "Gentlemen, I have reached a conclusion on the demurrer. It's overruled. And I used the same ammunition that the defendant offered to me, but I used the prevailing opinion instead of the dissenting opinion, gentlemen." And he just hung his head and walked out of the courtroom—he could have killed me.

Here was one [divorce] that I rejected:

Carson City, November 22nd. District Judge Clark J. Guild today set aside the divorce decree granted to John D. Spreckels III, member of the prominent California family, ruling faulty the affidavit and order for publication of summons made by Spreckels' attorney. Mrs. Spreckels was not personally served with summons, Judge Guild said, adding that the record did not show any attempt was made to get such service. The defendant, Mrs. Roxanna Brown Spreckels of Beverly Hills, California, was not represented at the trial and refused to recognize the legality of her husband's divorce.

And I kicked it out.

That are the real elements that go into a judicial decision? It isn't just the citations and just the documents of all these things, it's the facts that you apply the law to. You resolve the facts first, and then apply the law to those facts that you've resolved. That's the simplest way

that I have of describing it. You make notes on both sides as you go along, and if you are in doubt, you have the reporter come in and read the testimony to familiarize yourself once more if there is a question of doubt in your mind as to the weight of the testimony. I've done that many times. I waited until it could be transcribed.

The average person thinks that all a judge has to do is to go to court at ten o'clock in the morning and quit at four in the afternoon and that it's just a holiday for him. His real trouble commences after four o'clock, when he stays on till five and sometimes comes back at night to go to the library, and early morning, getting up and going down to the courthouse by eight o'clock to review some of the things that happened the day before, before he reaches the decision. Those are the long, hard hours that a judge puts in. Many, many times when I first went on the bench, when Clark was small, I'd come home, and after dinner I'd say, "I'm sorry, I have to go back to the office and examine some law."

And he used to say, "Why don't you stay home and play with me?" Well, it was hard to drag away, but I had a duty.

Here's Mrs. Dahl's case, tried in Minden. Same place that her brother, Elliott Roosevelt, was divorced:

With all the speed usual in Nevada divorces, District Judge Clark J. Guild granted the decree immediately after the President's only daughter gave brief testimony in support of her charges of extreme cruelty. Only Mrs. Dahl, Mrs. William S. Dana, court officials, and attaches and attorneys for the principals were present at the trial. Judge Guild said that although he is opposed to the Nevada law which permits private trial in any

divorce case upon demand, this is an unusual situation. (Out of deference to the President of the United States, I ordered that the trial be held behind closed doors.) Mrs. Dana, socially prominent and formerly of New York City, appeared to testify that Mrs. Dahl has lived for the past six weeks in Nevada. After maintaining the silence that had been characteristic of her since her arrival last June 17, Mrs. Dahl refused to discuss her future plans or to comment on the divorce case which her attorney, Samuel Platt, said was based on incompatibility relations. She returned to her home in Seattle.

I think the six weeks' residence law is a good law. I don't favor this new law that some of them are advocating in Reno now, that you can go into court any time that you want to. The six weeks- residence law requires that they swear that they intend to make this their permanent residence. And that always is a matter of *intention* until they change their intention, or their mind. I don't go along with the argument they're putting up around Reno. I think I have an intention right now of living right here in this house for the next six months, and someone might come along tomorrow morning and offer me a lot more money than this house is worth, and I would move out. That's intention—that's the way I look at intention. I don't think that it's perjury—I never thought so. Any time I questioned their residence or their intent, I took exception and so said.

I don't know whether I told about a prominent case that I had with two attorneys in Reno. We had a rule in Nevada that they had to stay here six weeks. If they had to have publication and to know where the defendant

was, they could go out of the state, but they mustn't stay out of the state more than a week or so. Publication had to go on for thirty days in those days, see. This woman filed her case in Virginia City, then she went to Los Angeles and stayed until the day before trial in Virginia City. Her attorney come into court, put a woman on the witness stand, he gave her the oath of the witness, and all he asked the resident was, "Did you know her from the day she come here to the day she filed her case?" He mentioned those days. He didn't say, "And since then." He put the woman on the stand—the same thing. And she had good grounds for divorce.

[I said], "You filed your case on such and such a date, Mrs. Rose. Where did you go then?"

"Oh, I went to Los Angeles."

"Oh, you did. How long did you stay?"

"Until day before yesterday."

"Well, you like Nevada, don't you? Did you say that you intend to make Nevada your home for an indefinite period of time?"

"Oh, yes."

"Well, stick around another thirty days and come back."

And the attorney that represented her come into the chambers after court was over and patted me on the back. He said, "I phoned her. I wrote her letters. I sent her a telegram, special delivery, to get back here to Nevada two weeks after she was gone and she defied me." And he said, "I told her in the office before we ever come to Virginia City, 'I don't know what Judge Guild is going to do, but I'm going to tell you something. He's liable to be mad.'"

Now, that was one attorney. I had another one one time, a Reno attorney, who tried the same thing. He got mad and come into chambers and he said, "It' never coming up here to try another case before you. You're too tough."

And I said, "Damn you, my salary goes on if I never see you again. Don't try to pull any of that rotten stuff of yours on me." And he never come to my court in Virginia City afterwards, either. Takes all kinds of people to make a world.

PUBLIC SERVICE

During World War I, I was the Lyon County chairman of the Council of Defense. Hal Lemmon was the state chairman, and we had a Council of Defense in every county in the state. As chairman, I had charge of all the Liberty Loan drives in my county. I was chairman of the "four-minute speakers," and I was government appeal agent to the local draft board. As a matter of fact, I gave almost half of my time to the Council of Defense—we had a wonderful Council of Defense. The smelter was running and the mines were running at Mason and Ludwig, and the day we got our quota, we almost always went over the top. We had it all arranged; I had sub-chairmen in Dayton, Silver City, Thompson, Ludwig, and Yerington, and we'd given out that quota that Hal Lemmon would furnish us for Lyon County, and we took a lot of pride of putting that Liberty Loan Drive over the first day. And we always did, during the entire progress of the war period. I received three or four different awards from McAdoo, who was at that time head of the defense.

I had so many friends, close friends, serve in the service. I even had a nephew from Idaho serve, and some of my Lyon County boys, some of them now dead.

We had some very unpleasant occasions sometimes in the Council of Defense. During the time that the war was on, this IWW from Idaho (the name escapes me for the moment) come into town. He went up to Ludwig trying to stir up trouble. We had no labor troubles in

Lyon County in those years. So we got wind of it, and he come to Yerington, and the chief of police put him in jail. And he sent for me to come down and see him. He said, "What have they got me in jail for?"

And I said, "I don't know anything about it."

"Well, you get me out of here."

I said, "I'm not the city attorney. I'm the district attorney of this county. I have no complaint against you," and I walked out.

Well, the interesting part of the story is, in those days, on a Saturday evening, you'd see all these old-timers down around on the curb in front of the drugstore and the hardware store, visiting. And there were a great number of them down there that day. And my wife's uncle lived about a block from where I lived, and he was mayor of Yerington—Charlie Archer. He walked home with me that evening, clear to the door. And I said to Virgie, "There's something going on in this town. I just don't understand it." Uncle Charlie walked clear home with me. He said nothing in particular, but I guess he wanted to see me home. I thought nothing more about it. The phone rang early the next morning. It was Governor Boyle, and he said, "Clark, what happened out there last night?"

And I said, "Governor, I don't know."

"Well," he said, "something happened with this IWW from Idaho."

I said, "I'll find out and let you know." So I went down and went into the drugstore, and I said to Van Alstein, a very close friend of mine, "Van, what happened last night?"

He said, "Do you want to know as district attorney, or just plain Clark Guild?"

I said, "Guild will be enough. You can forget about me being district attorney."

And he told me that they took him out of jail, a crowd of them. They took him as far as the Towle ranch, the bridge there. And one of the gentlemen (he's dead now, Tom

Ross, Jack's uncle) said, "Jesus, we've gone far enough. Let's string the son of a bitch up right here." The other fellows talked him out of it, and they took him on pretty near to Hazen and turned him loose, and said, "If you ever come back again, it's tar and feathers for you."

So I called Governor Boyle up and told him what had happened, and he said, "The only thing I'm sorry for is I would like to have put a state policeman on his trail so that he does get out of the state." He said, "His room is better than his company, but I'm glad to find out he's on his way and in the right direction."

We had another Socialist-inclined man there in Yerington. We boycotted the *San Francisco Examiner*, believing it to be pro-German, and it was very definitely pro-German in those first years. They sued us in the federal court, and we were all summoned to come in there and testify, all the County Council of Defense chairmen, with Hal Lemmon, our state chairman. Judge Edward S. Farrington heard the matter and he issued an injunction against us, which he was correct in doing. It had served its purpose because nobody would take the damn *Examiner* around our country during those first few months anyway. Why, this Socialistic-inclined brother—I used to go down for the mail on Sunday (we had had our hearing here on a Saturday), and he was at the post office, and he said, "You fellows didn't get very far in the federal court, did you?"

And I said, "Far enough to expose the *San Francisco Examiner*. That's all we were after."

I said, "Which side are you on?" And I looked him right in the eye. I said, "You're a damn poor American, and you can take it from me—I mean every damn word of it." And he was a very prominent citizen in Yerington, too. I'm not going to mention his name because his daughters are still living,

and his son, too. But those were some of the little experiences that we had.

The others were very patriotic, and I want to tell you that it was a pleasure to have served because I couldn't have done anything in the war line, being a cripple. I had many friends, and very dear friends—young Jack Ross, and Walter Whitacre, who just died a few months ago, went from Yerington. We always went down to the train at Wabuska to see them off. It was kind of heartrending, as it is at the present time, with this terrible thing going on. One particular day they had classified one of the Italian boys as Class One, and he was madder than a hornet, and he was in this bunch that was drafted. Charlie McLeod, the county clerk, was secretary of the draft board, and as he got up on the steps he waved his hand at Charlie and he said, "A good-bye to you, you s. b."

And Charlie said, "Well, you're just two of them, and by God, I hope I never see you again." That was his dismissal. If they got tough with us, we got tough with them.

There's a nice picture of old John Sinai and I, when I got the Bonds for Israel award, and the designation of "Mr. Nevada." Every year, the committee on Bonds for Israel picks out a prominent citizen in the state of Nevada to receive their award. In October 1965, I was chosen by them to be "Mr. Nevada." John Sinai made the presentation. He and I were very close friends down through the years. And they made me a present of this beautiful Bible in Hebrew and in English. Oh, a beautiful thing.

THE CAMPAIGN FOR SUPREME COURT JUDGE, 1928

One of the sad experiences of my entire political career was when I run for the supreme court bench. J. A. Sanders was already on the

supreme court bench. Every young man's ambition is to go higher and I considered running for the supreme court bench in 1928. I didn't ask for endorsements as a member of the Bar Association. I thought that they all knew me, and I didn't ask any judge for whom I had worked for any endorsement. I made the entire rounds of the state of Nevada and called on every attorney, leaving my card. talked to different clubs and different conventions, never asking for any concrete support—but said that I'd be proud, with my experience, to be on the supreme court bench.

Things were going pretty tough for Sanders because I had gained a lot of momentum through the press. Let's go into that for a minute, and then I'll tell you the rest of this. This was in the *Tonopah Daily Bonanza*, in October of that year.

The voters of Nye County and all of the state of Nevada will have an opportunity on November 6 to vote for Clark J. Guild and J. A. Sanders for justice of the supreme court. It is an important position; Sanders is one of the justices now. Guild, who is District Judge of the Eighth District, is seeking the position. Justice Sanders has served in the Supreme Court for nearly twelve years. He has given excellent service. No one can complain of it. He has given decisions that might be expected of a man in such high position, but he has held the position long enough. When he acquired it, he was ambitious. Thy now his ambition should be satisfied. He has earned the reputation as a competent jurist. The position that Justice Sanders holds as Chief Justice of the Nevada Supreme Court is one of honor. It was held for nearly twelve years. A young man

rising in his profession is seeking the honors of which Justice Sanders has had plenty. Clark J. Guild began his career in Nevada in humble places. He served on the railroads, he was one of the crew aboard the last train that pulled out of Hawthorne. He worked in the mines. He was badly injured in the Blue Light Mine near Nina in 1906. He then returned to railroad service in early 1907, was injured from that time, and has been crippled as a result of the accident. But this fact of the accident is stated merely to prove that Guild has come up from the humble beginning. His path through life has not been one of flowers. He had to have a striggle. That he is now a candidate for the most important office of the state is due to no one but Clark J. Guild. There is a reputation worthwhile. Work in the mines, railroading, now a candidate for the Justice of Supreme Court of the state of Nevada, where he was born in the little town of Dayton. He is a product of the local schools and of his own ambition. Judge Guild is opposing a competent man, but he is opposing also a man who has had the position nearly twelve years. Guild now seeks his chance for high honor in his profession. If he can secure the position, his reputation as an attorney and as a District Judge will be added to. It is that reputation that he is seeking now and he is surely entitled to it. His opponent already has had the honor for nearly twelve years of being the Justice of the Supreme Court of an American state. It is no mean honor. It is an honor that after holding twelve years, any man should be willing to

relinquish. Young men especially, really young, or comparatively so, are entitled to their share of honor that goes with such positions as justice of the Supreme Court of Nevada. The stipulation, of course, is that men seeking such offices be competent to hold them, and Clark J. Guild is. He has been eight years a district attorney and four years the district judge. He is entitled to advancement. He is entitled to be a Justice of the Supreme Court. In all fairness, he is entitled to the place of honor that his opponent has held for twelve long years.

That's only a sample of many very wonderful articles that were going all over the state as I visited around the state.

I went to Ruth and Ely—stayed in Ely, visited the mines at Ruth and Kimberly—I had some acquaintances there—Alec Beard, a very fine friend of mine, who was at one time Deputy Mine Examiner. I had some very dear friends in McGill and I was treated very, very wonderfully by all of these people. Judge J. Emmet Walsh and Judge Sanders, all three of us, were candidates at the primary election. Sanders and I got the most votes and Walsh was defeated for the general election, and I got more votes in White Pine County than both of them put together at the primaries.

Now, here comes the sad story. My enemies—I didn't know that I had any—conceived the idea that they had to beat me in White Pine County. Sanders was quite a drinking man—I don't hesitate to say it for the record, even. He laid around with a bad crew in Ely, and I knew it, because I had a lot of friends over there that told me about it. While I was serving on the district court bench, sitting for Judge Moran, I upheld the "full crew law" of the state of Nevada. I had

been a railroader myself, but I resigned from the Brotherhood of Railroad Trainmen when I was elected judge because I didn't want to have any tie with any union organizations. In writing the full crew law I dictated to my own conscience and upheld it—it was passed by the legislature, and I upheld the law and sustained it. They got out a dodger in Ely and waited until the eve before election to distribute it at McGill and Kimberly and Ruth.

Saturday before election I was in Reno. There come out in the *Reno Evening Gazette* a full-page advertisement endorsed by two or three of the judges of Nevada, and three or four very prominent attorneys. Judge H. W. Edwards from Ely was one of them, and Bill McKnight from Reno was another, Thatcher and Woodburn, and some more of them. Oh, yes, Judge Bartlett, congressman and then judge, was another one.

I went up to Green and Lunsford's office and they had seen the paper and showed it to me. They said, "Clark, aren't you going to answer this?"

And I said, "Yes, I think I should. Send your secretary." And to the judges and attorneys who endorse Judge Sanders for the Supreme Court of the State of Nevada, I propounded the following three questions:

"Have you now pending in the Supreme Court of the state of Nevada a case which has been assigned to Justice Sanders for a decision?"

"Have you been a contributor, financially, to the funds for the election of Judge Sanders?"

Third, "Do you believe it is proper for any attorney or any judge to be financially responsible in any way, shape, manner or form by donating money to the candidacy for any man aspiring to the judgeship? Please answer the questions— Judge Clark J. Guild."

Eddie Lunsford slapped me on the back and he said, "That'll knock them over. Put it in the *Journal* and wire it to some of the other papers. "It never did come out, and I still have that in my trunk—I saved it.* I said, "Ed and George, I've been all over the state of Nevada. I've been honorable in this thing. I haven't asked for a dollar, nor have I received any money from any lawyer, or any judge. I don't want to dirty my hands with the dirt that they're doing," and I tore it in two.

"Oh, don't do that, Clark."

I said, "I won't use it." I went down to the bank and my good friend, Walter Harris, was there, and he told me about the piece in the *Gazette*, and he said,

"Are you going to answer it?"

And I said, "No."

"Why?"

"Because," I said, "they'll find out what I found out, who is putting up the money for Sanders." Harris was born and raised in Dayton, and he was a Dayton man, and was a very sincere friend. He knew what I meant when I said, "I don't _____ want to expose the people who furnished the money for Sanders' campaign."

And he just looked at me and said, "Clark, I'm proud of you."

I said, "I'd rather lose the fight than to dirty my hands."

Alec Beard called me up from Ely about three o'clock election day and told me what was going on. He said, "I never got wind of it."

And I said, "What does the dodger say?"

He says, "Lay off of that man, Guild. He's the man that brought the strikebreakers into southern Nevada." Now, I was in Pocatello, Idaho, when they had a little strike on the railroad down in Las Vegas. I never was near the state of Nevada and hadn't been in two years. They concocted that flyer because

they knew the unions at Ely and Ruth and Kimberly would eat it up, and they did. It was just like throwing a gasoline-soaked rag out in a cornfield with a big wind behind it.

I went to bed that night elected judge with over a thousand votes, and woke up in the morning defeated. I never aspired again, but I had the satisfaction (it's a long road that hasn't got a turn in it) of telling two or three of those fellows just what they'd done, in a very, very polite way.

One of them was a very prominent man and an official of Ely and White Pine County, and he was in court as a witness on a naturalization one day, and I was presiding for Judge Harry M. Watson over there. It's usual for a judge to call upon some attorney, if you have a high school civics class in court, to give a little talk on citizenship. This particular day I chose to do it myself. And there was in court as a witness this man, and I never took my eyes off him all the time I was talking to the students. And I told them what I thought about what good citizenship was: "The court neither cares whether you are a Democrat or a Republican or an Independent. The court wants you to be a good citizen; the court wants you to exercise your voting privilege. You are now a member of a great society, where men make the laws, and you're a part of it. Never stoop to anything dirty and never believe a candidate until you have proven him right. If it should occur to you that somebody at the last moment circulated a circular about a candidate, doubt it ninety-nine times out of one hundred as being untrue, because those are the last-minute operations of skunks, not men—not even good citizens." And I told them a lot of other little things about citizenship.

*Text appears as Appendix.

This man walked downtown and he said, "Well, after five or six years I got what was coming to me."

"How was that?"

"You should have been there and heard Judge Guild's speech to the students. He didn't mention my name, but by God, he was talking to me."

I decided one of the most important cases when I was a judge, that George Thatcher of Woodburn and Thatcher argued before me, in his favor, because I thought he was right. It was against the suit where Clark County wanted all the revenue out of Hoover Dam. Thatcher took the opposite side and I thought he was correct. My decision was that the dam belonged to the entire state of Nevada before there was a Clark County. Clark County was only organized from Lincoln County after the state was formed. That was the gist, and I have the decision yet. It's on file in the court records in Reno.

Another man over there, who was a judge at the time, endorsed sanders. He afterwards moved to Reno and practiced law. Two years afterwards, he was a candidate for Supreme Court of Nevada. I met him at the Minden Rotary Club—I was up there holding court and he was up there meeting friends. I never said a word to him, personally, in the years that he was judge, nor when he moved to Reno, practicing law. We were always friendly. I knew the day would come when the worm would turn. He come up to me after that meeting in Minden this day and he said, "Clark, I hope you're for me. I'd appreciate your help for my candidacy."

And I said, "Bill, I've waited a long time for this. If you carry one goddamn county out of my five, I'll buy you the best hat that you ever bought in your life."

He said, "We're still friends. I have it coming."

By God, he never carried the counties, and after it was over I saw him in Reno.

"What do you think about it now, Bill?"

He said, "I'm still your friend. It was a damn, dirty, nasty trick. But," he said, "I got talked into it. I was over there in Reno holding court for Bartlett, and the s. o. b. talked me into this."

"Well, you've got a mind of your own."

Another man who is dead was a judge on the bench in Reno at that time. I had a very, very dear friend over there—he's dead now. He used to be in the railroad service. His son was the foreman of the grand jury, I think, last year in Washoe County. He met this man on the street on election morning (he'd read this piece in the paper), coming down on Second Street, on his way to where the Scheeline bank was then, down on the corner there.

He said—he ducked to him, and he said, "I've always admired you because you come up the ladder the same way as Clark Guild. You started in at the foot and you worked your way up, and you made a—I always thought—a good judge." He said, "You've ruined the whole damn thing. You killed yourself with hundreds of friends here in Reno that love Clark Guild." That's all he said—he walked away. This man never asked me to hold court for him again.

Now, Bill McKnight. Bill was born and raised in White Pine County. He was the recorder over in that county. He and I were good friends. I used to hold court for him in Reno. I never hurt Bill. He died shortly afterwards, but I never punished him. I didn't have it in my heart to. These people were my friends and I still thought they were my friends all through election. I never wanted to run for supreme court again, though.

Next time anything came up toward the supreme court was when Judge E. J. L. Taber died and Judge Milton Badt was appointed.

Vail Pittman was governor and appointed Badt, but he had on his desk better than a hundred and fifty telegrams from very prominent lawyers and people all over the state of Nevada, asking him to appoint me. And if you think I don't know about it—Denver Dickerson ran the newspaper here in Carson at that time. (He's now over in Guam.) He and I were very fine friends, and he come and told me about it. He said, "I told the governor he was wrong, that you'd had a lot of experience since, and you were the proper man for it, and the governor said to me, 'Well, he's a Republican.'"

And I said to Dickerson, "He forgets that Badt is, too. He don't know what he's talking about."

Judge Badt made a wonderful Supreme Court Justice.

THE BANK RECEIVERSHIP CASE

Hardest job I ever had in my life as a judge wasn't in criminal matters. During the Depression all the closed banks were in my court here at Carson City because it was the seat of government, and by law, you had to bring the actions here to plan reorganization. Some of the banks didn't go broke, and some went in for their own private receivership. Oh, one at Fallon and one at Yerington, they weren't into this general bank trial, but the Riverside, and the United, and Bank of Nevada Savings and Trust, the Sparks bank, the Virginia City Bank, the Carson bank, the Battle Mountain bank, and one or two others were all in my court. Temporary reorganization.

The Reno National Bank was in the federal court in receivership. A man by the name of Phil Tobin was the receiver, and Norman Berry, a Reno attorney, was his attorney. I had Mr. John Strong, a certified public accountant

from San Francisco, sitting in court with me all during the bank trials. Every afternoon at four o'clock we'd go through the experts' testimony. What we were trying to do was to get a real picture of all the assets and liabilities of every bank, seeing if reorganization was possible. I had twelve or thirteen lawyers in front of me every day except Fridays and Saturdays for pretty near two months. I'd switch over to Fallon and Yerington both, maybe on Friday, and Judge Edgar Eather would come in and help me out.

So we subpoenaed Tobin to come in and testify, and he brought Norman Berry, his attorney, with him. He was sworn and give his name, and Berry objected to his testimony; he said we had no jurisdiction, it was in a federal court and it was a federal matter. And I said, "I guess maybe you're right, but perhaps the attorneys would want to get a writ out." And M. A. Diskin was general attorney, and all of them said yes, they would, so I said, "Well, we'll recess till tomorrow morning." And I said, "You might be in contempt of court, Mr. Tobin, if you don't testify." (I wasn't too serious about it.) "Well, we don't furnish sheets and pillowcases here, in that event."

My God, he turned pale! He thought I was in earnest. I could see the attorneys grin, see, and I didn't think they'd get a writ. They went to F. H. Norcross, who was the federal judge, and he denied it. So they come back into court and said they couldn't get a writ, and I said, "Well, then, we can't have a reorganization. If we can't see the key figures, how can we put the other figures together against them? I'm going to appoint a receiver.

Oh, my God, they all hit their feet!" You can't do that, Judge Guild! You can't do that. We've got a state bank examiner in charge of the banks."

I said, "Yes, that's what I'm afraid of. They've been closed eighteen months. He's got the

same crew in every bank and hasn't even given the depositors a five-cent dividend, and if I can't get a better man to do that, I'll quit myself."

"Well—but we might have another State Bank and Trust Company scandal."

I says, "No, you won't. I'm familiar with that. That took fifteen years, and the depositors only got twenty-five cents on the dollar." So I—I was up against it. I made the announcement, "We'll be in recess. If you want to get a writ, gentlemen, I'm going to give you time before I make the ruling definite."

"Oh, yes, we're going to the supreme court. You have no jurisdiction."

I said, "Don't forget that you're in a court of equity. I have full power and authority."

Well, they didn't get the writ. The court said it was a court of equity—I had jurisdiction. I had seventy-five applications for a receiver. I didn't know what to do. I was nuts. I went to my old friend, Walter Harris, a Dayton boy, who was president of the Farmers and Merchants National Bank and a great friend of mine, and I asked him if he wouldn't help me get a receiver. A great many of these applications were from fine men, but they had been connected with the Wingfield bank, and I didn't want that to appear. They were good men. I just didn't want the public to think that I was doing anything partial to any of the Wingfield banks. Walter called in Al Caton, who run The Reno brick yard. He said, "Here's your man. He knows as much about banking as I do, Clark."

And Al said, "Well, you do me a great honor, Clark, you honestly do, but, gee, I'd either have to sell my business or rent it. If I rent it, it would go to pieces, and I wouldn't take the job unless I have it full time. I just can't see myself clear. But I'll never forget you for complimenting me." That didn't do me any good.

Well, I stayed all night in Reno that night. I was holding court for Moran for a few days. Charlie Jones, the president of the Lovelock bank that didn't go under, come in. He and I were great friends, Odd Fellows, sittin' there in the lobby of The Golden, where we all used to meet after dinner. That was the popular place to be in Reno.

"Did you get a receiver yet, Clark?"

And I said, "No, I haven't, Charlie. I don't know what to do."

"By God, I've got a Dutchman out there that would make a good receiver for you."

I said, "Who is he?"

"Well, his name's [Leo] Schmitt."

"Where's he from? I never heard of him."

"Well, he's from Iowa. The boss brought him out from Iowa when he bought this bank here from Pitt. He knows his onions."

"Well, I'm going home. Are you going home tomorrow—Saturday? Well, send him over to Yerington to talk to me Sunday. I'd like to meet him."

So I got out a record of all the banks that he worked in Iowa—Dubuque and other places. Monday morning I sent them all a letter asking for recommendations, for his record, and they all come back first class. I paid for these out of my own pocket, too. So I sent for him to come to Carson where I was making the decision—stayed all night at the Arlington Hotel.

I had arranged with Platt and Sinai to be the attorneys for the receiver. And I said to him, "I'm going to appoint you a receiver, but I want your undated resignation."

He said, "What?"

"Yes," I said. "I want your undated resignation. I know the picture here. I've been with it for three or four months, and if you can't make good in three or four months, why, you're out. I want these depositors to get some dividends."

“By God, if I can’t make good in three or four months, I don’t want the job.” But he wrote it out.

In October he had a twenty-five percent dividend to all the depositors in every bank. Eighteen months of nothing from the state bank examiner—why wouldn’t you get mad? I walked down the street and these poor, old folks would throw their arms around me. “Thank God for you, Judge Guild! We’re getting some money.

We paid out the Riverside at a hundred and five percent. We averaged at eighty percent on all of them except Virginia City, and we did it at a cost of less than five percent to the depositors. That was the greatest record that was ever made in America. I’ve got a whole file out in my shed here, four drawers of the reports of the receiver and everything that was done in receivership.

I called Leo in about a year afterwards over here in Carson on some hearing. I used to let him prepare a great number of the minor petitions for orders of sale, and I attended many large conferences with him where we were trying to compromise the account of the Bank of Nevada Savings and Trust Company with the Reno National Bank through Calkins, the RCA man, that the Nevada Savings and Trust had borrowed three or four million from. I attended several of those conferences until midnight, and Platt and Sinai did, too.

But getting back to calling Leo in when I tore up this resignation: I said, “You’re doing a marvelous job, Leo. I’m getting \$600 a month and you’re getting \$500 and your expenses. I don’t know how in the hell we’re doing it, but I guess we’re doing it because people like us, and we like people.”

The tears rolled out of his eyes, and he said, “It’s been a pleasure to work with you and to do something for these poor devils.” He

kept a few of the old employees on— Harry Harper and George Spradling here in Carson, who needed it, a man by the name of Will Powers in Reno—Harry Harper’s father, it was. He didn’t overload any of the banks with help or anything, you know.

Platt and Sinai, at the turn of about the third year, put in a bill for \$150,000 for services as attorneys. I called Leo in; we analyzed it. They had charged for every time that he smoked a cigarette or something—I mean, Platt or Sinai. And Sam Platt and I were fine friends. Leo and I analyzed it on the hour basis, see, giving them a very liberal allowance. We come up with a figure of \$50,000. I called them in and told them to take it or leave it. I said, “If you don’t want it, why, I’ll make an order and you can appeal it to the Supreme Court and put on all the damn testimony you want, and I won’t call but only one expert, my receiver.” He could have come to court and told where he prepared half of these petitions, don’t you see?—from his own figures. I had them over a barrel. Well, they liked it. It was like finding it, and it turned out that we were good friends, but they were pretty mad for a long time.

Now, I’ll tell you about the poor devil himself [Leo Schmitt]. He’d get in the car and drive almost all night from here to Ely, work all day in the bank over there, and drive back the next night. And I kept telling him not to do it. “Don’t do those things. You’ll break your health down.” And in about four years’ time he did. He was on his way to Lovelock. He had purchased a ranch out the other side of Eastgate, just before you go down into the big Austin flat, and he used to go out there once in a while over the weekend and then sometimes drive over to Lovelock, from the other road, from Fernley. And this particular time, he drove to Lovelock. He drove up in front of the bank. Charlie Jones was in the

bank and saw Leo couldn't get out of the car. He was partially paralyzed on his right side. Charlie got him to the hospital, and in two or three days he got on his feet again, and Charlie made him go to this ranch for thirty days and rest up. He got pretty well over it, but that was only the first one. He kept on putting in these long hours.

By the way, in the meantime, I went to Jack Diskin and to Lester Summerfield and my friend, George Sanford. I wanted some good, sound advice, and I didn't want to go to Platt and Sinai. And I says, "Is it within my power to pay this receiver a small commission for the wonderful work he's doing?" And they all said yes. And I said, "Give me a written opinion of it; I don't want to get in Dutch with anybody." And they all did, and I've got then in my file drawer out there. So I gave him a five percent bonus, not on capital investment or anything, but upon his collections from each individual bank, augmented from two years after his appointment down to the end. The first two years, why.... When the time was up, I wasn't going to get caught under the statute of limitations or anything, and I thought he was worth more than \$500 a month.

[Reading from newspaper clippings]

Bank Proponents Fly to Capital to Meet With Controller. George Thatcher Accompanies Griswold, Tobin, Berry, on Washington Visit. Defense Attorneys advise official by letter of their objections.

Now, these people went to T. F. O'Conner, the Comptroller of the Currency, expecting them to make a compromise on the Wingfield banks, and he turned them down. It afterwards developed, during all the court trials, that had they loaned Wingfield another million

dollars, he never would have went broke. That developed in the trial, and I made that announcement from the bench.

The man from the RFC was out and we were trying to compromise with him on the Bank of Nevada Savings and Trust, and really did work out a very favorable compromise. Wingfield had borrowed almost four million dollars in that particular bank and distributed a lot of it to the other banks, of course. But the Bank of Nevada Savings and Trust was responsible, and they didn't have enough securities to pay the entire four million dollar loan back to the RFC. So he was in a position, almost, where he had to compromise, and we made a very favorable compromise.

It was after that that I made the announcement that had Wingfield gotten another million dollars the banks would never have closed. Wingfield heard about that. He met me on the street going to dinner, and he come up and shook hands with me and he said, "Thank God everybody in Nevada isn't against me." He never forgot it, and when we started the museum he sent me a thousand-dollar check. I never asked him for a favor, but I felt that it wasn't his fault—the sheep and cattlemen broke Wingfield and the banks—and that's the truth.

Just about the time of the depression, the bottom went out of wool and sheep and cows. John G. Taylor, the biggest man in the state of Nevada, the biggest property and the biggest cattle and sheep owner, who owned ranches all the way from the Canadian border to the Mexican border—and, oh, the Union Land and Cattle Company, the biggest company that was ever in the state of Nevada—he went broke. He had borrowed at the very beginning of the depression over \$400,000 from the Wingfield banks, but never could recover. He never recovered, the poor devil. He and Jerry Sheehan, who was in with one

of the Wingfield banks and was in with John C. Taylor in one of the ranches, they ended up with just the small home ranch over in the Lovelock territory. Those were sad days, I'm here to tell you.

I appointed a separate receiver for the Lyon County Bank at Yerington, and the Churchill County Bank at [Fallon], and the two banks out in Elko County. I put all of the other banks in receivership, which consisted of the Bank of Nevada Savings and Trust, the United Nevada Bank, the Riverside Bank, the Henderson Banking Company, the Bank of Sparks, the Carson Valley Bank, the Tonopah Banking Company, the Virginia City Bank, and the Wells State Bank.

I named as the depositors' committee (they weren't receivers) George Culverston, E. B. Loring, E. J. Easton, H. E. Winne, and Charles E. Howard to carry on the organization meeting. And they hired Cooke and Kenney for their attorneys and kept Ernie Blair on for their cashier. And Mr. E. J. Seaborn, who was state Superintendent of Banks, rejected the claims of preference that were filed by some of the depositors, and I upheld him in his decision. Afterwards I took the banks away from him.

"Bank Reorganization Suit Procedures Outlined Today."

This was in July, '33. This was in Carson City:

Opening the hearing on the Wingfield Bank reorganization suits in Ormsby County Court this morning, Judge Clark Guild of the First Judicial District will hear the nine cases, told attorneys that he intends to expedite the hearings as much as possible, but does not intend

to be rushed, and will make a careful study of the condition of each bank before rendering any decision. Under the plan of procedure outlined by Judge Guild and concurred by the attorneys, the bank cases will be taken up one by one, testimony taken to show they are insolvent and waivers and waiver extension cards offered in evidence to show that sufficient depositors approve bringing of the suits to justify court action. When and if the court finds that the banks are insolvent, then the attorneys for the reorganization proponents will offer the reorganization plan, which calls for consolidation of the nine state banks and two national banks into a branch banking system, with a mortgage company affiliate and separate trust funds for each bank into which the lost or doubtful assets are to be placed. The reorganization plan is subject to court approval. Morley Griswold and George Gunzendorfer, who are the attorneys for the bank reorganization committee, explained to the court that it would be useless to introduce the reorganization plan until the nine state banks' suits are disposed of, and Judge Guild agreed with them. In the case of banks where there are contests, Judge Guild said he would dispose of all such contests prior to making any definite decision. In the case of the Wells Bank, which was the authorized treasury of the City of Wells, it is the court's contention that a \$5,445.93 city deposit holds preference status. The matter will be disposed of later by Judge Guild. The two national banks are not subject to the jurisdiction of

the state court, and are not included in the reorganization suits. If the state approves the reorganization plan and the Comptroller of Currency approves it, then the assets of the national banks will be transferred to the new corporation.

Now, this is all from the reporter's notes by a court reporter that we had all the time—everything that was said and done:

Following the introduction of testimony that the Wells State Bank, defendant in the first suit, is insolvent, Judge Guild asked E. J. Seaborn, state bank superintendent, if his appraisal of the assets of the bank was the same as the appraisal made by the appraisal committee appointed by the various interests represented in the proposed organization. Seaborn said his appraisal is different from that of the appraisal board because he made it on the liquidation theory while the appraisal board made it on an appraisal of the reorganization theory. "I'm going to take this phase of the situation very fully," said Judge Guild, "under advisement in an effort to ascertain why the appraisals are different," and so on. Answering a question by Morley Griswold by the banking reorganization committee, Seaborn said the Wells Bank is insolvent, and was insolvent when he took it over on December 12.

Well, enough of that one.
Then we go on to the Henderson Bank:

After the hearing of the testimony on the Wells Bank, Judge Guild

ordered it submitted, and following the noon recess, the Henderson Bank committee case was filed. Haydon Henderson, cashier of the bank, testified that they had a total deposit liability of \$1,757,503, of which \$128,071,068 was in public funds. Out of 3,162 depositors in the bank, 892 depositors holding \$1,040,000 had agreed to waiver extension cards. It was also disclosed that the Crocker National Bank, which on May 15 was a creditor of the Henderson Bank to the extent of \$109,000, had signed a waiver. This indebtedness has been cut to \$65,000 at the present time, it was stated. Testimony at the Henderson case was more extensive than that of the Wells case, and the hearing was still going on at a late hour this afternoon. Other cases to follow.

On June 17, I decided that the state funds were not preferred,

that public funds have no preferred status, and that public deposits in closed Wingfield banks must take the same chances on payment out of assets as accounts of general depositors is the effect of the meaning of a decision handed down Thursday by Clark J. Guild of the First Judicial District Court, filed in Ormsby County by the State of Nevada and George B. Russell, State Treasurer, against Carson Valley Bank, E. J. Seaborn, State Superintendent of Banks, and others. The decision of the court denies the plaintiffs' prayer for preferred judgment in the amount of \$67,157 in the state treasurer's deposit in the Carson Valley Bank,

and \$12,015 in the amount of cashiers check given the state treasurer by the defendant bank on the 25th and 28th of last October. The decision said no preference or priority for such amount exists as against the defendants or any of the general depositors or creditors of said defendants out of the assets of said bank and the judgment would be entered for said sums of \$67,157 and \$12,015 to be paid proportionately and prorated as to all general depositors and general creditors out of the assets of the defendant bank and that the prayer of the defendant's complaint asking that the property and assets of the defendant bank be directed to pay the amount of the judgment and be made and entered as a preferred claim, and a prior payment of any general or ordinary creditor is hereby denied,

to which they appealed, and the judgment was sustained.

George B. Russell, Charlie's uncle, was state treasurer, appointed under the defalcation of Malley and Cole. And he was quite sore at me for quite a long time over that decision. He said, "This is all taxpayers' money," to me one day.

And I said, "What the hell! Are they any better as taxpayers than these poor suckers who are in the bank there as general depositors, and also have savings? They're taxpayers, George, Aren't they? Shouldn't they be protected?"

"Well, I feel that the state should have been protected."

"Well," I said, "I don't, and the supreme court says I'm right."

And that wasn't all. Preference after preference come up here. Some of the

savings people wanted a preference over the commercial accounts. George Sanford, a very splendid attorney, represented a very, very wonderful client in Carson City who had a considerable savings account. He fought quite hard, but I denied it. George was a lawyer who always took his decisions as a gentleman. He showed offense when the court decided against him as I did many of the others. But we were always good friends—he always took it with a smile.

He said, "I think you're wrong, and I'm going to appeal."

I said, "That's what another court is for." Back to the records now,

Under the law that in accordance with the order of the court, however, the superintendent must withhold sufficient assets of the bank to cover these claims for a ninety-day period, allowed, in which the claimants may file a suit to set aside the superintendent's objection, or until the supreme court of the state has handed down a decision as to whether or not public deposits are preferred. The decision is expected today. It has been the intention of the Superintendent of Banks to withhold \$362,000 worth of the best of the bank's total of \$441,866 [in] assets to cover the claims for preference. In court, Tuesday, Judge Guild, declaring that the interest of the community and the depositors and the incorporators should not have to take over an institution entirely devoid of cash or with all of its good assets withheld, suggested a meeting the following day of the bank examiner and his attorney and an attorney for the plaintiffs with the judge to discuss the matter of which assets should be

withheld. Upon the assertion of M. A. Diskin, Seaborn's attorney, that an oral decision of the Supreme Court on the matter of preference for public funds could be expected on or before July 1, the suggested meeting was deferred until after the decision, expected to be made public today. Over the objection of attorney H. R. Cooke for the depositor's committee, Judge Guild admitted his evidence and ordered filed a list showing revocation of powers of general attorneys over the committee in the sum of \$27,000, but held that the petition represented the required percentage of depositors and deposits. All of the assignments submitted by the depositors' committee were allowed, with the exception of three, for a total of \$6,600, which were disallowed because of faulty signatures.

Continuing the reading of the record of that case,

the court finds that the defendant corporation... now, for a period of more than thirty days before commencement of this action, has been insolvent. You may add it further ordered that the court finds and determines that more than five percent of the total creditors of the Churchill County Bank, holding fifty percent and more of the total outstanding indebtedness, exclusive of public deposits, at petition and request of the court, under the provisions of the act of the legislature of 1933, section 70 and those following, that a corporation be formed with an authorized capital of common stock equivalent to aggregate amount of

the value of the assets of said bank, and the court determines and fixes the assets of the bank to be such as testified to and found by E. J. Seaborn, State Superintendent of Banks, in the sum of \$441,866.

It will be the order of the court that the plaintiffs in the action take steps immediately to form a corporation and thereafter, that the assets, property, real and personal, stocks, bonds, notes, actions and causes of action, books and records, and all assets of every kind and character of the said Churchill County Bank be delivered by the State Superintendent of Banks to the officers of the corporation so formed. It will be the order of the court that the State Superintendent of Banks retain a sum to be fixed and determined by the court and the Superintendent of Banks, prior to the delivery of assets, or any of them, and that he be authorized and directed after fixing of said amount to retain in his possession said sum so determined in order to meet and make payment of any claims which then are or which shall thereafter be declared to be preferred on trusts or trust funds. Counsel will prepare findings and if it be found necessary to include other provisions of the sections of the 1933 Banking Act according to the facts as presented to the court and so found with. reference to future distribution of any stock and retention of moneys to preferred creditors and otherwise may be included in the written findings, I think, perhaps, gentlemen, it had better be the order of the court that the court so finds—of course, the

supreme court will determine it finally—but we are going to continue to find, until they do, that the public funds, so called, consisting of county and state funds, are held by this court to be not preferred.

I think I should like to mention most of the attorneys that were involved in the cases in the court here in Carson City. They were outstandingly wonderful attorneys. Eddie Lunsford of Greene and Lunsford represented the Riverside Bank, Morley Griswold and George Gunzendorfer were for the petitioners asking for a reorganization. Opposed to him was Wingfield's attorneys, Thatcher, Woodburn, and a young man, Donovan. M. A. "Jack" Diskin was Attorney General. A man by the name of Torn Ryan, one of the most brilliant men I ever saw in a courtroom, he come to Reno to practice law and was attorney for one of the leading banks in Chicago, and knew banking law very well. He had a great knowledge of banking institutions—thoroughly.

As I told you before, I had in court with me during that time a CPA from San Francisco, Strong, and every day after court was in recess, Strong and I were in chambers going through the experts' testimony. They were examining the assets and liabilities of each bank.

H. R. Cooke was one of the very interesting attorneys, and so was Hawkins, Prince Hawkins, Sr. Cooke was fiery and so was Hawkins. Joe McDonald was one of the crack reporters in court at that time, and he would print pretty much verbatim some of the extracts of testimony. And then Cooke and Tom Ryan would get into an argument almost every morning. Hawkins would get into it, too, and they would argue back and forth about the article in the newspaper being

wrong and accuse one another of giving it to the reporter. It went on for about a week, and it would take about a half an hour of my court time every morning. They were going after it hot and heavy this particular morning, so I banged the gavel. And I said, "I want to tell you something. I'm not interested in your personalities, not one speck! If you want to fight it out, go over to Reno and hire the arena, put on your boxing gloves, but I won't even go over there to referee it! And I won't have any more of this in court!" And I didn't have any more of it, either. It—oh, it was bitter at times. They were fighting for their principles, but they were forgetting that they were in court.

Possibly this was a play for publicity, just to get more of this sort of thing in the paper, but I don't think so. I think they were overenthusiastic, and there was personalities involved. I don't think that two or three of them liked each other much. I can see Cooke running over to that water cooler between speeches, and he'd get the cup about half full and take a swallow of it, and then talk some more, then take another swallow. You watch those little things, and they amuse at the time, but you pay no attention to them, of course. George Thatcher was a very wonderful attorney, and Billy Woodburn, also. They had fine background. I got quite a kick out of Jack Diskin. Jack was cool-headed, very calm, and so was Eddie Lunsford. Eddie Lunsford was always a gentleman, and Jack, too.

Well, I was staying at the Arlington Hotel, and I had a key to the library, and after dinner I would go down and review some of the authorities that they had presented to me that day on argument and motions, and so on. And I'd come back the next morning and rule. Jack Diskin followed me into chambers during recess and he said, "How do you do this, Judge? How do you do it?"

And I told him I didn't have any way to spend my evenings except to check up on the law that the lawyers were offering me, to see which is right and which is wrong. And he said, "Well, I just marvel at it." He said, "I go home tired out after court and here you come back and work for two or three hours after dinner."

I said, "I'd rather do that than sit around the lobby of the hotel." But it stood me in hand because I was always up on my rulings. Didn't have to take it under advisement for a week or two and then forget about it, maybe. It was intensely interesting.

During the bank trial, the newspapers made it sound, at least, as though maybe I was feeling a bit antagonistic toward Wingfield and the way this whole affair had turned out. I can't say that I was, and I think one of the finest compliments I ever had in my life was toward the end of the hearings. It developed through testimony that if the RFC had've loaned Wingfield another million dollars, the banks would never have failed. He just needed another million dollars to carry him through. The wool market went bad. The cattle market went bad. All of his big loans were from the big ranchers and the sheepman. I made the remark from the bench—it's a matter of record in the court reporter's book—that, "In my opinion, if the RFC had loaned Mr. Wingfield another million dollars, we wouldn't be here today."

He met me on the street a week or two after that, and he said, "Judge, I want to thank you for those words. Half of the state of Nevada thinks I'm a crook and no good." And he said, "you told the truth, and I'm grateful to you. I never would have closed these banks if I had gotten a little more money out of Washington."

If there was any antagonism on my part—I was for reorganization if it could be effected,

and it couldn't be effected because they wouldn't let us look into the Reno National Bank. I told you about Mr. Tobin—the little story. It developed that Wingfield was in debt almost a million dollars to the Crocker Bank. Yes, that's true. He had to take bankruptcy, personally—yes. Jerry Sheehan almost went broke with him. Jerry was vice president.

Do I think that it really was true that he had completely depleted these assets? No, he hadn't depleted any of the assets. He had to pay taxes. He had to loan more money. For instance, John G. Taylor was his first borrower from the Bank of Nevada Savings and Trust. When the wool market went wrong in London and the drought occurred in Nevada, he borrowed something like between \$250,000 and \$500,000. He had to ship his sheep and most of his cattle to Colorado to feed. That thing staggered along until it got up to he had almost two million dollars at the time that we were trying and attempting to reorganize. It's a good example of what was really occurring on account of the drought conditions, the price of cattle, the price of wool, the price of sheep—everything went haywire.

The Wingfield banks had to keep paying taxes to protect the assets that they had. They had mortgages on all these properties, but taxes were due. And besides that, labor to take care of the herds and all of that kept accumulating and accumulating and accumulating, and debts in every one of the institutions grew very rapidly. The only bank that I ever felt was more or less penalized was the little Virginia City Bank that didn't have too many good assets in it. The rest of them were pretty sound, except for these tremendous loans on hotels, and cattle ranches, and sheep ranches, and livestock, and things of that kind.

Here's a note that in June, 1933, "Bank Reorganization Plan Submitted To Comptroller of Currency For Approval," "Application for

RFC loan of two million dollars will be made this week, according to plans. Bank appraisals, figures given.” And we set out in that—details of the Wingfield Bank reorganization plan which calls for

the merging of the two national banks and nine state banks and a branch banking system, with a mortgage company affiliate and eleven trust funds into which lost and doubtful assets not acceptable to the new banking structure will be placed, were forwarded to the United States Comptroller of the Currency last night for his approval. It is understood that the plan calls for the reorganization of the Wingfield banks under the terms of section 207 of the National Bank Conservation Act. The receivers of the two national banks in the Wingfield chain forwarded the plan to the Comptroller and it is expected that word from his office will be received within a few weeks indicating whether he will approve it.

They then set out the book value of the various banks, setting them out in detail—the book value and the appraised value and the depositors and others, what they owed. Take, for instance, the Bank of Nevada Savings and Trust, the book value of the assets was \$3,589,304; the appraised value was \$1,314,662, and owing depositors was \$3,223,609. That’s just an example of how the banks run all the way through. The Riverside Bank was in better condition than most all of them, and the United Nevada Bank was in very good condition. Book value of assets was \$2,428,000, and the appraised value \$1,496,000, and they owed depositors \$1,816,000. The Henderson Bank at Elko was

in fairly good shape; the Tonopah bank was, too. The Carson Valley Bank had a book value of \$1,055,000, an appraised value of \$445,000, and deposit debt of \$848,000. Under those conditions, we were extremely fortunate in working these banks out in receivership, which many times is a sacrifice of different assets on highest bid and things of that kind that you can’t afford to hang onto because of the cost of still maintaining them. And to think that we averaged eighty to eighty-two percent in most of the banks was a marvelous situation, at a cost of less than five percent to the depositors.

The Comptroller of the Currency never got around to loan this reestablishment that I was talking about. And it sent out here at this time balance sheets of the mortgage company, and the Bank of Nevada and the different banks. Seaborn, who was the state bank examiner, gave his approval of this reorganization plan submitted to the United States Comptroller of the Currency.

Kirman’s bank, the Farmers and Merchants, didn’t go. Of course, he was a very fine banker, and so was Walter Harris, who was president of it. But it was found by most of the people interested that to have a national bank as the key bank of all of the state banks was not a successful operation in any state. If they were branch national banks, under the head of one, like the Bank of California, having branches all over California and Oregon and so on, it would have worked out maybe successfully. But it was viewed with alarm by banking people with much experience that it was a bad plan to have the national bank at the head of all the state banks because one was chartered by state and one by national officers, and there was a conflict there not only of regulations but of inspection.

I think in those days that the national bank examiner was more efficient and on

the job more often with his assistance. The state bank examiner had too much to do, with only two or three to help him with all of these state banks, and it was natural that he wouldn't do the examining as correctly as would the examiners of the national bank, and that was the result of the legislation that followed after this reorganization and appointment of receiver and in segregating the national bank—having the say of the agencies, state agencies. Now, you see, we have the First National, but it has branches in Reno and elsewhere; the Security National, it has branches in Reno and elsewhere—they're national banks. We do have a very few scattered state banks, but they're not connected with the national banks.

Do I think, then, that Kirman's motive as governor, in pushing this Bank Reorganization Act, was simply a clarification? I don't think there was any animosity in his heart. I think that he felt that the time had come when reorganization of the banks connected with the national banks should be separated from those of state banks. I think he was sincere in his desire and he was backed up in that by other authority, and good authority throughout the state, and elsewhere, too, because he had close connections with California institutions.

I know that there was animosity toward Mr. Wingfield. You could see it on every turn. People generally who were depositors blamed him for everything. They didn't stop and realize what broke the banks—he was not to blame for it, and he was accused many times, falsely, of things that he didn't do at all, of reaching his hand in, and all of that stuff. That never was proven, not one speck of it. He never dissipated any of the funds of the bank for himself or for any of his purposes. He had borrowed some money from the bank on the Riverside Hotel properties, but he paid

it back when he went through bankruptcy, sold the Riverside and paid the bank what he owed it. I don't think that the accusation that Wingfield used the banks for his own political empire building was really true. No, I don't, I don't. Another reason for that is he was offered high political positions and he refused them. When there was a vacancy in the United States Senate, he was offered the United States Senatorship and refused it. If he had any political ambitions to be governor or anything else in the state of Nevada, that was the answer to the whole thing, in my opinion. I don't think he ever wanted to be a United States Senator or governor or state officer, but I do think that he had his hands on politics, very, very definitely so.

I think he backed Balzar from every conceivable thing that he could do honorably for Balzar. They were great friends, and he helped to elect Balzar. Well, he wasn't alone in it. I was a brakeman under Fred Balzar when he was a conductor, and I was for him. Wasn't any politics involved in it, as far as I was concerned. I just loved the guy, and it was friendship. He come to me after he was elected, and he said, "Kid, what can I do for you?" (He always called me "Kid.") He came clear over from Hawthorne to Yerington.

And I said, "Fred, not anything in the world except to be a good governor." Yes, I should say so, and Griswold—very close to him, Of course, Griswold become governor when Fred died. Morley was a great guy. He had a keen sense of humor; he always had a smile aboard. He'd get off a wisecrack every once in a while. I remember we had a divorce case in Reno one time, and he was the attorney. It was a Swede from Minnesota getting a divorce from his wife and he was telling a story of cruelty. It seems as though they were raising chicks, and his wife brought the brood in from the barn and put them in

the bathtub. And this man talked quite a bit broken, see?

He says, "Vat do you t'ink? She bring dose damn chicks in and put 'em in de bathtub. Vere am I going to take a bath? Go out in de voodshed and bathe or somet'ing like dat?"

And Morley was grinning, and I just turned around in my chair and faced the wall. I come pretty near busting out laughing myself. It was things like that—and Morley would urge him on to tell these things. See, that was one of the finest examples of that fellow's sense of humor in court you ever saw in your life.

Do I think that actually it was easier for Wingfield to pursue his political aims from outside public office, perhaps? You have noticed a good many people in Nevada politics who didn't get into office, Johnny Mueller being one. Johnny Mueller was one of Wingfield's right-hand men for a lobbyist, and he did a lot of lobbying for the things that Wingfield wanted, and was quite a lobbyist. At the same time, Johnny was an expert on water rights. He was appointed by the federal court in the Humboldt water case as their water master for a long time before he was state engineer. He was assistant state engineer at one time. Wingfield had a number of these people who kind of reported to him and ran his political errands, more or less. Roger Teglia might be another one.

Well, there, Wingfield was quite a sport. He liked hunting and fishing, and I think he took a deep liking to Roger because Roger was very much in favor of centralized control of fish and game in the state of Nevada. As a matter of fact, I was, too. I was the first president of the Nevada Sportsmen's League and took that issue to the legislature. I had a lot of help from fellows like Roger and people over in Elko County and elsewhere. It was a good move because the seasons were

not simultaneous in different counties, and as a result, all of the hunters would flock to Churchill County when the season was open on quail and doves and pheasants and so on. Maybe two weeks from then, it would open in Lyon County and they'd all flock there and so on. And it was—well, it was murder on game, that's all it was. The same thing was true of the deer season; almost every county had a different time for the opening of the deer season. And centralized control was a wonderful thing. I think Wingfield had a lot to do with engineering that, in part, and he had a lot of help from many, many of the sportsmen all over the state.

I don't think that—oh, he was accused of payoffs. I never could conceive of anything like that being the truth. I don't think that there was a payoff of anybody of any kind. That you mean by payoffs is someone taking cash. I don't think it was ever offered or accepted, but I think he used pressure to accomplish what he wanted with legislators, through his friends and his attorneys. He had pretty good control of some of the members of the state Senate. He had the big four—Tracy Fairchild, Johnny Miller, and Noble Getchell (Getchell and Wingfield were great friends). There was Fairchild, Miller, Getchell, and Bill Dressier, called the "Big Four," and they controlled the purse of the Senate. I'll never forget—I went before them to get a furnace for the museum—to show you how tough they were—"No, we can't afford it. Judge." Old Bill Dressler gave me a check for \$1,000.

Senator Robbins was one of Wingfield's men—yes, you bet your life. I think he was one of the finest senators we ever had from northern Nevada. He was a very fine lawyer and very cool-headed. I was talking about him to Judge Taylor Wines up at Elko the other evening. We had dinner together, and he asked me if I had known Robbins.

And I said, "Oh, yes, I should say so?" I said, "I considered him one of the finest."

And he said, "Well, I'm glad to hear you say that." He said, "I was a young man and I always admired him very, very much,"

"Well," I said, "you had some great men come from Elko County—not only in the legislature, but on the bench. Judge E. J. L. Taber was a very, very wonderful man, Judge George F. Talbot was a very wonderful man, and Judge Taylor H. Wines was a good judge, and Joseph N. McNamara, although a young man, was a very, very fine judge."

"My goodness," he said. "You remember them all, don't you?"

And I said, "Yes, I worked with most of them."

George Friedhoff was very friendly toward Wingfield, and Friedhoff was a staunch Democrat, as were a lot of these other men—Democrats. George was one of the fellows that got me to run for district judge. We were very fine friends. He was president of the Yerington Commercial Club when I was secretary. And his wife, Frances, was a very, very wonderful lady, and when he died she was appointed to fill the vacancy.

What kind of a man was George Friedhoff? I think he was very fair-minded. By the way, his father was the contractor that helped to build the Colonial Apartments in Reno. George liked ranching. He was very fond of the ranch that he had in Mason Valley and took a great interest in helping to organize the Walker Irrigation District which was much needed for storage water. He worked very faithfully and constantly on behalf of the organization of the Walker River Irrigation District. I did all the legal work for them in organizing the district. We held meetings at different schoolhouses in Mason and Smith Valleys. A man by the name of Robert L. Wagner, who was a partner of mine after I

was admitted, and the only partner I ever had in those years that I was practicing law before I was a judge, he went on the opposite way. A man by the name of John Gallagher and Henry Wood in the lower end of the valley, who had senior water rights, didn't want any more expense put on them, and they were against the organization of the Walker River Irrigation District. So Wagner would make speeches against the organization and I would make them for it, and that resulted in the dissolution of partnership. I told him that (and we were good friends). I said, "We can't be on opposite sides of a question that is so serious as this. This is much needed by the farmers here. We have water shortages year after year, and sure, Gallagher and some of the big men don't need it, but the little men all need it."

Well, they succeeded in passing it and it went to the supreme court for confirmation. I'll never forget that hurt—I'll never get over it. I did all the legal work, organizing the Walker River Irrigation District. They voted to bond themselves for so much money to build the storage works at Bridgeport and Antelope Valley. So to make the bonds salable, they had to have a supreme court decision confirming the proceedings, and they're something like this: "Whereas this was done, whereas this was done, whereas this was done, election was held, whereas this was the vote, whereas we ask the confirmation of the court." They hired Norcross, Thatcher, Woodburn and Henley to go into court and ask for confirmation proceedings, and I was left out in a cold field. Well, I was too young. I didn't have whiskers long enough. I had no revenge in my heart, but it's a long road that don't have a turn in it. They had to acquire and add a lease on the land where the Bridgeport Dam is. It was almost up and they had to have an extension on it, and these men on the board were friends

of mine, Mr. F. O. Stickney, Mr. Simpson, and Mr. Wilson. Mr. Stickney came up to the district attorney's office one Friday afternoon, wanted to know if I'd make up this extension. They had to get it up to Bridgeport the next day. And I said, "Yes, of course, I will." Miss Vardy was my secretary. I asked her to stay on and we worked till way past dinner time getting it out, got it in his hands, and he beat it to Bridgeport.

"Send me a bill, Clark."

So I sent him a bill for \$250. They called me down to the office. "Don't you think this bill is a little high, Clark?"

I said, "No, I should say not. Hoyt, Norcross, Thatcher, Woodburn and Henley didn't do [as] much work for \$5,000 as I did. You can pay it or I'll sue you." Well, they paid it. It created a little animosity and a little feeling there because I was sharp with them, and I intended to be.

And when I run for Judge, why, Mr. Kenney and I were opponents; nothing much was said then. I've related that campaign—but two years afterwards, a man by the name of W. F. Shelley, who was the Southern Pacific station agent at Wabuska, filed against me for the new term—I was elected to fill the unexpired term. And Mr. Wilson and Mr. Cooke and one or two more went over to Fallon to coax George J. Kenney to file again. Kenney said, "Don't you like the judge?"

"Well, we like him all right, but we think you ought to have the job."

"Well," he said, "if you don't like him, tell him to move to Fallon. We love him." So they went back and got Shelley to run—Shelley was never in court more than once or twice, and I never moved out of the office to campaign against him. I did pretty well against him, too. Yeh, I'll say I did. I wouldn't dignify him by thinking he was a candidate, and particularly with those people for him.

I tried to start a bank against the Lyon County Bank, too, after that. It fell through because our chief, Van Alstein, who was a druggist in Yerington, and Matt Penrose and I conceived the idea of starting a bank in Hawthorne. The Lyon County Bank was doing business there by sending their teller out and picking up the cash and the paychecks and so forth at the depot. We thought it was a good opportunity to start a bank out there, so we circulated a petition, and we had enough signers on the petition to start a bank in Hawthorne, and Van Alstein moved to Santa Monica, California. He was the leader in it, and Salty Snyder, Matt Penrose, and myself, some of my Italian friends, and Judge C. E. Mack, who was one of the big stockholders in the Lyon County Bank. Mack and I were good friends, and he kind of talked me out of it, and I wasn't ever sorry about not doing it because I couldn't have taken care of it, and the other fellows, none of them were bankers. It was a good idea, though. Well, it wasn't in the spirit of revenge. It was just telling the people that, all right, they were the ones that moved first. I didn't do anything against any one of those people. They hurt my feelings, and they hurt them bad, too. I was a young man starting out. I was married and I was building a home in Yerington. I'd borrowed money to build my home, and a couple of hundred dollars meant a whole lot to me. I had to fix things my way once in a while.

These things went on, you know, this bank situation, before we got into the real trials, because we were trying to work out this other reorganization with the national treasury, you know, and we just touched on that.

Getting back to the bank situation, what was the immediate future for the depositors? Liquidation, or stagnation, or reorganization—it got down to that point, see? Most of them were turning to reorganization

because they felt that that was the better way to gain the best results for the benefit of the depositors. Reorganization would have saved the expense of receivership and would have saved the assets from being sold cheaper. Receivership, of course, was just a little bit the opposite—you can't carry on a receivership forever. We had one in Nevada way back many years ago in the State Bank and Trust Company in the early days of Tonopah. It lasted about fifteen years and the depositors got about twenty cents on the dollar. I think I made the statement when I appointed a receiver, "If I can't do a better job—." Some referred to that, "Oh, you can't do that; why, that'll be another State Bank and Trust fiasco, Judge."

"Well, if I can't do better than that, I won't be a judge. I'll resign."

There was more than eight millions of dollars involved in transactions of the Wingfield chain. Harry Scheeline testified to that when he was on the stand. He was of the Scheeline Bank and Trust Company, if you remember, in Reno.

In 1934, then, in this frame, the federal court heard the proposal for this compromise and gave the various banks the right to file liability suits, but that was the national banks. This was still the Wingfield problem, though. I think that's what ultimately led to his bankruptcy. I think that was the cause of it. But that was after I had taken the state banks into receivership. I remember here in 1932, in May and June of 1932, I made the statement that the split loans were mostly made on livestock, although there were a few real estate loans. The practice had been for one bank, generally the Reno National, to take the original mortgage and have the other banks in the group take parts of the loan secured sometimes in the mortgage and sometimes not so secured. Now, that

was—that was the sticking point. That's what Kirman and these people had in mind when they wanted to separate any affiliation of state banks with the national bank. Eddie Lunsford asked who had charge of the management of the livestock properties where the mortgage had been pledged to the RFC. Scheeline said the RFC had charge, but consulted with the receivers of the national bank and the state bank superintendent. Taking two of the large stock loans, for example, Scheeline explained how the loans were divided among the several banks and told how the properties were being managed at this time and how the national and state banks participated in making advances to carry on their operations, and so on. Efforts were made by defendant attorneys to ascertain from witness if the Reno National farmed out the paper to the state banks during 1932 or prior thereto. Scheeline said the records in his office disclosed when each transaction was made and I took under advisement a request that a copy of these records be filed with the court. In addition to the split loans, the witness said there were about \$717,000 on May 15, classified as dual borrowing.

During this time Judge McNamara, representing the Henderson Bank at Elko, and the Wells Bank, had made a motion for change of venue as to those two banks. I had a lot of this testimony before me and understood that the depositors wanted to handle the receivership themselves, as did the Lyon County Bank and the Churchill County Bank. It wasn't in the nature of receivership. It was a depositor's committee that was appointed in the Lyon County Bank in Yerington, and the Churchill County Bank, and it was working successfully. They wanted the same thing out at Elko, and I took that under advisement because, at that particular time, we were about ready to close up the hearings on what was

before us on reorganization. M. A. Diskin, attorney for the state bank superintendent, and F. J. Seaborn, while declaring that his client had no objection to the appointment of a receiver or receivers for the closed banks, attacked the proposal that the court take such action.

Quoting now from some clippings and notes I have here:

“We have filed demurrers to the cross complaints and petitions to appointment of receivers,” said Diskin, “not from a partisan standpoint, but in order to bring the question of authority squarely before the court. If receivers are appointed and they seek to borrow funds from the RFC, the federal agency will make a searching investigation to determine whether their appointment is wholly legal, so it is best to clear the matter by now.” Griswold said he had a letter from Senator Thomas and a telegram from Senator Pittman to introduce in support of the proposal, that the banks be left in Seaborn’s hands until Congress reconvenes. He said he had considered the testimony to be given by H. H. Scheeline on the split loans to be a matter of importance. Neither Griswold, Gunzendorfer, or Diskin participated in the argument for the change of venue for the Elko case. If Judge Guild appoints receivers for the banks, a writ of prohibition will be sought from the supreme court, it is believed, and will thus bring the matter before the supreme court at an early date. If he takes some other disposition on the banks, an appeal to the supreme court will be taken by the defendant’s attorney, it is understood.

So I took the bull by the horns and appointed a receiver. I have them time to take out a writ to the supreme court. I said, “Gentlemen, three heads are sometimes better than one. If you think you’re right, why, go to the supreme court. I shall give you time to get a writ. I feel that you’re in a court of equity, and I have jurisdiction,” and I gave my reasons for wanting to appoint a receiver—they were clear cut. I think I mentioned that before—eighteen months and the depositors hadn’t received a nickel. “If I can’t do better than that, why I’ll resign as a judge.” And I want to tell you, we had twenty-five cents on the dollar in every bank by Christmas, and this was in early fall—September or early October. My compensation was to meet these old people on the street and have them thank me, and it was good, I want to tell you. It made you pretty happy to think that you were doing something for the people that needed it—all of them needed it. I don’t mean to say that a large portion wasn’t hit, too, but the average wage earner was hit the hardest because they had to start all over again. That was a bad time all the way around. I got a lot of satisfaction out of that series of cases, anyway.

You know, Morley Griswold—the funny part about this—Morley and Gunzendorfer, who were for the depositor’s committee trying to reorganize, were bitterly opposed to my appointing a receiver. They wanted Seaborn to stay on—that was one thing. The supreme court said they were wrong. Seaborn’s skirts weren’t exactly clean in this whole deal, either. I won’t say that he did anything wrong, but he kept the same force on in each bank, and that was expensive to the depositors. And, of course, he opposed the taking the banks away from him. He just was “God.” If he’d been doing a good job, I don’t suppose I ever would have thought of it.

But I knew he wasn't doing a good job after hearing all this testimony and getting word in court, under oath, of what the banks were doing. They weren't—he wasn't collecting much money. He wasn't doing any foreclosing to speak of. Just sitting, waiting. Of course, Griswold and Gunzendorfer were on his side; they just didn't want to lose his job, I guess. But it didn't make any difference to me. And Diskin, being attorney general, was representing the state bank examiner, which he should—that was his duty. Old Jack and I were the best of friends, and so was Morley and I—There was never any animosity on my part with any of the attorneys, except in the early days when I had to call them down for fighting in court.

Here are some more notes from my scrapbook:

Judge Guild rules against bank consolidation plan and decision rendered today. (That's 1933.) Commingling of assets in one of the banks.

I told you about the Fallon and Lyon County banks, and so on. The depositors petitioned the court to appoint a committee to wind up the affairs of those two banks, and I approved it.

Court transfers assets of Fallon Bank to the depositors. Public funds to be covered by best loans. Corporation ordered formed at once; the supreme court decision is awaited.

And I upheld in it—and that worked out pretty satisfactorily in both of those banks at Yerington and Fallon. In Fallon they had a wonderful committee. They had very fine

citizens— Ernie Blair, who was cashier of the Fallon Bank, and Mr. Wightman, and Bob Douglass, and Mr. George Ernst. Two or three more were on the Committee—yes, George Culverston, E. J. Easton, E. B. Loring, C. E. Howard, and H. G. Wendt. Judge Kenney and A. E. Russell were both nominated, but they withdrew.

My brother Henry and three or four more in Yerington were the committee there. They worked things out pretty satisfactorily in both of those, and so did they out at Wells and Elko. As a matter of fact, I think they got their depositors a little bit more money than the receivership did. I could tell by going back into the records which did the best, but I have no independent recollection of it at this time.

Greathouse, as secretary of state, had sued the receiver of the Carson Valley Bank for a preferred claim for deposit of public funds. I ruled that the state had no preferential right, and Greathouse appealed to the supreme court, and I was affirmed. That happens very often, some of them crowding in and wanting preference. I took the position that we treat everybody as equally as we could unless there was some special reason.

"Tell, these things went on and on—one bank at a time— and this particular week I took on two banks. "Overrules objections of attorneys in bank case." "Intimates that court may find it necessary to work out its own plan." "National bank receivers are granted permission to testify at hearings." "Records of two institutions to be taken into court figured pertinent to case only may be revealed in comptroller's ruling." That's when they brought Tobin into court and Berry wouldn't let him testify. National bank regulations were that he could only testify to certain pertinent matters—we wanted to see the assets and liabilities.

Now, just as a summary for these bank cases and all of those weeks and weeks of blood, sweat and tears, what do I think that it finally gained for the state of Nevada? And can I kind of assess my role in this whole affair? Well, I think, first, it gave people a realization of the truth, that it wasn't Mr. Wingfield's fault, entirely. I think that was brought out. And I think, second, that it resulted in a separation of the interrelationship between a federal bank and a state bank. I think it strengthened the banking laws of the state of Nevada, and I think that it strengthened the confidence of the people in banks, because since then, the banks in Nevada have grown and they have prospered. And so far as I know, all of them are in very fine condition. I think that the people have learned that state banks must have strict supervision by a bank examiner, just as strict as the national banks have, and they realize that the national banks do have strict supervision. Take the case of the bank in San Francisco that went haywire a couple of years ago, defalcation and so on. It didn't take them very long to uncover that whole thing. Banking is a careful business. Banks have appraisers—the appraisers have the confidence of the directors and the officers in the bank, and in making their appraisals before a loan, they must be very careful; they must have a guide rule—and the banks of Nevada, so far as I know, every one have a pretty strict guide rule.

You take that man Alton Glass over there with the First National. He's dead now. By golly, I want to tell you that he had an eagle eye; he looked through everybody's assets. I happen to know of friends who I have represented in the practice of law who made loans, "By God, that fellow Glass wants to know every last nickel, where it comes from and where it goes." Well, I think he's an example of why people have confidence in

banks. Lots of it—oh, I'd say a great deal of it—is friendship. I think that Dick Kirman and Walter Harris and Albert Caton did the big banking business at the Farmers and Merchants Bank with their close association with the people and the wonderful friends they had in Reno in business. And they were in business—Caton was in business and his other directors were in business. Judge Mack was careful; Charlie Lewis was a careful man; Mr. C. E. Folsom was a careful man; and God knows that Dick Kirman and Walter Harris were both careful. They could look you in the eye and say "No" as easy as they could "Yes." And they were surrounded by very, very fine help. Take Hugo Quilici and Pete Cassinelli—they grew up with them. They took those two boys in as very young men and made real bankers out of them.

What strains and pressures are judges subject to on a case like this that affects so many people? Oh, I think it's a matter of conscience. Now, I could have been less hesitant and taken a great deal of more time. I had five counties to take care of, and naturally, I had to go out in the other counties and keep my calendar going, so I had the assistance of Judge Edgar Eather to come in and help me in the other counties while I was busy with the banks. It relieved me a lot of worry, of setting down, right in the middle of a week, and only working a half a week at a time on these bank cases when I could work the whole week in most cases. I don't think there was any pressure at any time. I think all of the attorneys and people interested, the depositors, wanted the thing heard as rapidly as possible so that they would all know where they stood, what was going to be done. Were we going to have reorganization, or liquidation—what were we going to have? When will we get some money? So the pressures are really more popular pressures, pressures from the people rather

than any of the litigants. I never even had any of the depositors come to me in person and ask me to do any one thing, when they were represented by attorneys. And the attorney presented their matters in court—none of them ever approached me in chambers and asked me to change my mind on a ruling or anything. “If you don’t like it, there’s three men upstairs [in the supreme court]. I may be wrong, but I’m only one person, and we’re human to err,” but I never got overruled in a bank case. I didn’t get overruled very many times, as a matter of fact.

Reading again from clippings I’ve kept:

Letters written by George Wingfield and William Woodburn to E. F. Lunsford, chairman of the depositor’s committee of the Riverside Bank, last November 28, in which they asserted it was their belief the condition of the Riverside Bank was such that the stockholders had an equity in the assets were offered in evidence in the Riverside Bank reorganization suit this morning by E. F. Lunsford, attorney for some nonsigning depositors.

Wingfield’s letter, which was published at the time, stated in brief that

an appraisalment of the assets of the bank will show that there is an equity for the stockholders in the Riverside Bank, and I do not propose to turn over this equity to third parties.

It came pretty near paying out something to stockholders. It paid 105—it paid the depositors in full and the stockholders about

five, so he was right. It was the soundest of all the banks.

Gunzendorfer objected to it but Lunsford also indicated while examining B. J. Seaborn, state bank superintendent, that he proposed to show that the bank superintendent took charge of the bank last December 12th at the request of the stockholders of the bank, and did so under the provisions of the 1911 Banking Statute, which provides, he asserted, that the bank examiner should proceed to liquidate the bank.

“I propose to show,” said Lunsford, “that he has done nothing toward liquidation—has not declared any dividends, and there has been money on hand to declare dividends. On March 2, I asked him in a letter to declare and pay a dividend and received no response. He found that the bank’s capital is impaired and has done nothing to require the depositors and stockholders to repair the capital.”

That was one of the foundations for me to watch all through these proceedings, the conduct of the bank examiner. He was doing nothing—nothing worthwhile, except to keep the staff on.

Let’s see, Seaborn was on the witness stand for hours. He was asked a question—he was asked if he had any idea how much Maclaren, Cooke and Company was to get:

The banking superintendent said, “No.”

“Does \$40,000 include the fees of Maclaren, Cooke and Company?” Ryan asked. Seaborn said he supposed so.

"Does it include anything else?" Ryan asked.

"Not that I know of," said Seaborn.

Asked if he had any idea how much Maclaren, Cooke and Company was to get, the banking superintendent said, "No."

"Would the \$40,000 have to be paid at the opening of the new bank if there should be a deficiency, or would it be deferred?" was the next question.

"I don't know," Seaborn replied. "I think it would be handled similarly to receiver's expenses."

"In ordinary course, wouldn't payment or reorganization expenses be regarded as a prior item?"

M. A. Diskin, attorney for the banking superintendent, objected that the question involved a point of law.

Judge Guild said, "We are wandering far afield. I do not see the applicability of this question on the matters that are now before us."

Getting at cross purposes over nothing.

"Bank ex public fund section unconstitutional, says Guild in announcement from the bench."

H. R. Cooke, attorney for one group of defendants in the suit, asked the court to set a time when reorganization plan should be presented. Judge Guild said he would expect the plans to be presented next week, and said the court was open to receive suggestions from anyone.

"I may seek assistance from parties not interested in this matter at all in trying to work it out," said Guild. "I am not sold on any proposed plan."

Cooke then asked Morley Griswold, the attorney for the reorganization committee, if the plan proposed by the committee had [been] included as a part of the complaint and the waivers' would be changed. Griswold said it would be the same in principle but there would be changes in it.

Judge Guild then recessed the United Bank hearing until next Tuesday at 9:30 a.m., at which time the defendants will lay before the court their objections to the admissibility of some of the waivers presented yesterday. A check of the waivers will be made by the defendants to ascertain if all signatures are legal, such as waivers signed by the guardians.

As to the solvency or insolvency of the bank, P. A. Hawkins, H. R. Cooke and Thomas Ryan, the attorneys for the opposing group of defendants, said they were willing to admit that it is insolvent and the court will decide that point after evidence is taken next Tuesday in the Riverside Bank case, the last of the nine suits to be heard.

J. L. Walther, vice president of the United Nevada Bank, was called to the stand for a few minutes this morning at the request of the defendants and testified that F. W. Eccles, J. Clarence Cline, E. C. Dyer, the plaintiffs in the reorganization suit, were not depositors in the United Nevada Bank.

Here's something interesting:

Judge Clark J. Guild, who is hearing the suits preliminary to presentation

of the plan of reorganization of closed banks, expressed the following opinions yesterday from the bench:

“The question is heartrending to me. Old people come to me, seeming to think I am an oracle. They say, ‘Judge, can’t you get us some money?’ Oh, how I pity them. If you attorneys had as many people coming to you as I have, you’d want this matter finished with all possible speed. Let’s get something done as quickly as possible; let’s not let this day pass without getting something done. Time is the essential element in this trial. Everyone is represented here today. The benefit of all is at stake. In the interest of law, you attorneys should give the court all assistance possible. If we wait until the reorganization plan is submitted and check the waivers, we’ll waste time. Let’s check them now, and save time. Let’s get down to business, do something to try and get some money into circulation. It is the duty of the court to expedite this matter and to serve everybody. It makes no difference whom you attorneys represent. You attorneys all should be interested in the interest of the public and the depositors as a whole. The problem is so great that I will let a referee take charge of this, checking these waivers. The ultimate responsibility is mine. The people are getting restless. They have a right to be. It is my responsibility and I want this trial to move on.

We made a settlement with the RFC for \$525,000 in the Bank of Nevada Savings and Trust. We sold the John G. Taylor estate for \$525,000, which was mortgaged in that bank,

which helped very materially to pay those depositors in the Bank of Nevada Savings and Trust very, very fine dividends.

“Action of Judge Guild In Tobin Contempt Case Is Submitted To Norcross”—that’s the one I told you about. “Guild fines Tobin for contempt and orders him into custody as receiver refuses to testify.” That was stretched out. I didn’t do any such a thing—I told them I would. Sometimes the newspapers.... Now, the attorney for Norman Berry had a right to call the attention to the error of a headline like that, because the body of the article don’t say that, you know? It’s misleading. And that’s what happened a few times when these attorneys got into serious arguments over what the newspapers said, you see? They put a big headline out that was a little bit misleading—I don’t think it was ever done intentionally. I think Joe McDonald was one of the finest reporters I ever knew, and he was one of the fairest I ever knew, too. Great old boy, Joe.

The bank trials were the hardest I ever had. I had a lot of highway condemnation suits, also. They weren’t easy, but I think they were exceptionally easy to me because I started through school to be a civil engineer and I knew surveying.

CONDEMNATIONS

I had spent some time as a young man on the Western Pacific location work, surveying from Battle Mountain east to Beowawe, and Battle Mountain west to Golconda, was transferred over to Susanville, and from there over the summit to what is now Almanor Lake, where we camped and surveyed on location work. And by the way, our route into California that way was not accepted by the higher engineers, but the route through Nevada was, from Beowawe

west to north of Reno, and so on. That was one of the finest experiences I ever had as a young man. Afterwards, I had a chance to survey all of the ranches for irrigation purposes on the Walker River irrigation suit that I told you about, with a man by the name of William Coleman here in Carson. He took what is known as the *stadia* method—all by a rod on scales. I have some of the field books on that yet. And as county recorder, it was valuable to me to know something about surveying.

Anyway, when I was the judge in these condemnation suits, these engineers would get on the stand and they'd wonder how in the hell I knew anything about engineering. I didn't, frankly, except a lot of practical experience about angles and degrees and distances and compass readings and chains, and so on. It was a great help to me.

Some of these suits were not easy—some of them were tough. This new, back highway from Silver City Junction up around—not through Gold Hill, the old highway—the *new* one was being condemned through a couple of mining claims. Well, they weren't producing, and the owners asked \$15,000 for them, and the highway department appraised them at \$500 each, the amount that they were assessed at—\$500 a patented claim. Platt was one of the attorneys for these fellows. He fought his head off. He said, "A great body of low-grade ore here," and all of this stuff. And, oh, they had assays of low-grade ore, but they weren't doing anything with it, and they hadn't done anything with it for twenty-five years. Why should it lay there any longer? Maybe it was too deep to bring to the surface at the cost of mining—you know, something to that. Well, that's what the attorney general's office thought, too—Gray Mashburn, Bill Mathews and Alan Bible. I think I allowed them \$750 for the three claims, and they took it.

I had another one. Up through Sweetwater—my old friend, Cecil Burkham, run a stageline from Hawthorne to Bodie, owned a lot of open land north of Bridgeport, after you leave Wellington. The canyon narrowed down pretty much in some places, and the highway department just had to have this routeway, and he wanted an exorbitant sum for it, and all he was using it for was pasture. He put it out to rent to these cattlemen in Carson Valley, Smith Valley, and Mason Valley for a moderate sum of something like ten or fifteen cents a head a day for two or three months in the summertime and paid very little taxes on it. It was only assessed for nominal pastureland—something between twenty-five dollars and fifty dollars an acre in those days. I forgot what he wanted, but it was a tremendous amount of money, and I think I allowed him something like.... I could go to the record and verify this very easily because it is all a matter of record in Lyon County. The suit was filed and tried there because most of the land was in Lyon County. As I remember, I gave him four times the assessed valuation, which was twice as much as he received in his rent for the cattle on the ground. And I come to that conclusion in a reasonable way, that if you cut him off of his revenue, he couldn't get that any longer, but he could at least invest this extra profit in something else and get interest off of it, which was a kind of a reasonable conclusion in my mind. It wasn't robbing him at all, but it was giving him a fair break.

Another trial—I had one up in Golconda one time, at the Getchell mine. We got all ready to try that case and they wanted to submit it to arbitration, and the lawyer was there. I said, "Who do you want to arbitrate?"

[They said], "We want you to arbitrate it."

"Well, I don't want to arbitrate it."

Andy Haight said, "Well, all right, we'll try it, then. You're the judge." He said, "The

evidence will be just about the same arbitrated as it would be judged.”

I said, “All right, I’ll tell you what I’ll do. I’ll arbitrate it if you’ll all tell your stories to me, see? If there’s to be any cross-examining, I’ll do it. If I think there’s some questions that ought to be developed, I’ll do the cross-examining. You can put on your side first. You, Andy [Haight], you represent the plaintiff here, and you, George [Kenney], you represent the defendant. Let’s put on the plaintiff’s case and I’ll hear it.”

The real argument was over pits that three or four different contractors had taken charge of without permission. Andy Drumm, for instance, had jumped a sand and gravel pit off of his division and took it from E. S. Berney’s company, hauling gravel off of it. And one of the other companies, Tedford, was mixed up with Berney on the other end. Andy Drumm is one of the cleverest contractors in the state of Nevada; he knows his onions, and he’s a little bit bull-headed, and his claim was that, in advertising for bids, the highway department didn’t specify who should have what as to the gravel pits.

You see, the highway department has sent their engineers out to mark possible gravel pits for highway construction, and by golly, they hadn’t. Andy said, “The first one that I come to I liked the best, and still like it the best.” He said, “I was out there a long time before I put in a bid. I examined ’em all, and I found this one to my liking the best.” He was frank. But I took a little away from him and gave a little to the other two, and you know, they were all satisfied. I got them into court, and I said, “Now, are you all satisfied?”

“Yes, you’ve done a marvelous job, Judge, and we’re very grateful to you.”

And I said, “I wore out one of the finest pair of shoes I ever had on that arbitration.” You know, walking around all those gravel

pits. I never thought about it at the time, but I thought about it that morning, because I had to change the shoes after I got back to Carson. They laughed like hell, but they never bought me another pair of shoes.

Oh, well, they were interesting, those doggone condemnation suits, and they have grown tremendously. They’ve grown to the point, now, that thousands of dollars are involved, like the Las Vegas Strip, for instance, in some places, and Seventh Street in Reno, and Sparks, and places like that, where you’ve got to condemn property worth thousands of dollars to get a right-of-way, and they’re expensive condemnation suits, believe you me. I’m glad to say my son, Clark, is one of the best condemnation lawyers in Nevada. He’s won several large cases.

RAILROAD ABANDONMENT CASES

The history of the Virginia and Truckee Railroad is an interesting chapter in railroads of Nevada. The V and T is very eloquently portrayed in Lucius Beebe and Charles Clegg’s book, *Steamcars to the Comstock*, and later in David F. Myrick’s *Railroads of Nevada*. It is not my purpose to elaborate on the wonderful accounts that these three authors have given of the story of the V and T. But during my boyhood days, in connection with the Carson and Colorado, I was on the switch engine as a fireman, and Jay White was the engineer at Moundhouse, and this was known as the transfer point from the Virginia and Truckee to the Carson and Colorado. I was only sixteen years old, and, of course, I was deeply impressed with the Virginia and Truckee Railroad and its beauty, and knew most all the employees on it.

I had a very peculiar accident, I remember. I went out on the back end of the tank to get a hoe to hoe down the clinkers in the fire box,

and I slipped and fell against the top of the cab and broke a tooth off in my upper jaw. It was sometime in the middle of the afternoon and Jay White said, "Why don't you take the train and go to Reno and see Fred Rulison? He probably can fix you up, and you can come back tomorrow."

So he wired Fred Rulison to meet me at the depot in Reno, which he did, and he capped this tooth in front—filled it and capped it, and it's never been treated in all these years except last year when I went to a dentist in Reno. It was decaying a little around the edges, so I had him take it out and recap it. That's the kind of a dentist he was.

My old friend George "Slim" Geyer was the brakeman, and Joe McCormack was the conductor, and a lot of the other ex-railroaders who lived in Carson had a great deal to do with the Virginia and Truckee Railroad, particularly Ed Peterson, who was one of the engineers and roundhouse foreman for many years. Mr. Charles Rulison, who was also a Dayton man, had charge of the shops for very many years, and he was father to Fred Rulison, the dentist, and his sister, Mrs. Fred Small, the woman dentist. And by the way, we have a great deal of the Rulison artifacts in the museum, and her dental tools.

Well, the part that I think is interesting is to note the high finance that built the Virginia and Truckee Railroad. I can't think of anything in all of the books that I have read where finance was so bold and accomplished in such a diplomatic way as it was by the Sharons and the Ralstons and Darius Ogden Mills and the Yerington people. They succeeded in convincing the county commissioners of Ormsby and Storey County that the building of the railroad was all to their benefit, and had the counties bond themselves in the amount of \$50,000 each to help build the railroad. Later on, when the railroad was

being built, they took in Washoe County and Lyon County and had those two counties bond themselves in the amount of \$50,000 to help build the railroad.

Well, if you call that high financing, why, let me go on for a little bit more of the story. In tribute to the four counties, they named one of their engines after each of the counties, and also one after Mono County, California.

The Bank of California took 1,500,000 shares of stock, and the Mill and Mine Operators put up \$387,000. Now, this is a matter of record in the dividend book that we have locked up in the vaults of the Nevada State Museum. They succeeded in keeping that railroad valuation down, and appeared before the various boards of equalization of these four counties for months and months and years, and continued to cut their dividends—averaging all the way from \$100,000 to as high as \$250,000 a month. They paid back the California Bank of California first. Remember that. They were the big stockholders. Darius Ogden Mills was one of the great stockholders, too, but the Bank of California and Sharon got theirs first, as did Mr. Mills, for the most part.

Well, I won't say anything about the construction except to mention that it was conceived in the mind of the engineer, Mr. I. E. James, that it was the best thing to do, to build the road first from Virginia City down to the Carson River, where a great many of the mills ware, to transport the ores down the river. To do that, they had to haul the engine up the wonderful Geiger Grade, and they took it up in parts, over that steep grade, and started their construction from Virginia City down to the River—to the Eureka Mill site first, and then the Brunswick, and then on to Carson City. They thereafter conceived the idea of extending it on to Reno through Washoe Valley, Steamboat, Franktown, and

other places along the line. Construction started in 1869 and operated for a period of almost eighty years until 1950.

In 1880, Mr. Mills and Mr. Henry M. Yerington, who was then superintendent of the V and T through Yerington, conceived the idea of starting the C and C Railroad, the Carson and Colorado. The mines were at low ebb in Virginia City, and the mines at Silver Peak and Candelaria in Esmeralda County were in prosperous condition, and they thought that that would be a profitable venture. Well, it was started in 1885, and during this period of time, the Silver Peak Mine boom went down, and they conceived the idea of running it over the White Mountains, and Mt. Montgomery and down through Laws and Inyo Valley to connect with Laws, out of Bishop, Lone Pine, Big Pine, Independence, and down into Keeler, where they had a profitable source of revenue by transporting soda and salt from Keeler up over the V and T to the mills at Dayton, and the Bluestone works, and the various plants who were mining the Comstock ore. They sent for Ogden Mills to come out from New York and take a trip with them over the line, and the story is that when they got to Keeler (by the way, the railroad was three hundred miles from Moundhouse to Keeler), they asked Mr. Mills what he thought of it. And he said, "Well, either we've built it three hundred miles too long or three hundred years too soon."

That was prophetic in a way, because in 1905, the Tonopah-Goldfield boom came on, and the line then prospered, as I mentioned before, over the transfer of the freight, the enormous freight, that went over the V and T onto the C and C and out over the road.

Many funny things happened in my days on the C and C. After firing on that switch engine, I went braking on the work train that standardized the roads—the roadbed

itself—from Moundhouse, through Dayton, Wabuska, Schurz, on to Hawthorne, and then down to Mina, where it connected with the Tonopah and Goldfield Railroad. The traffic was so heavy in freight that I have seen it stacked up over half a mile square on platforms at Moundhouse waiting for cars and engines to haul it away. C and C finally bought some engines and some cars from the little narrow-gauge railroad down in California that was running in from Grass Valley and been disbanded, and another one that ran south from San Francisco, and they were able to have more engines and cars to handle the freight. I was on the last work train that went out of the town of Hawthorne to the town of Mina and helped build the Mina yards on that work train.

While I worked as a brakeman, Fred Balzar was a conductor. Fred and I became very, very fine friends. I think it's in one of the stories of Beebe or Clegg, some of the things that happened on that little old C and C that are a deep memory to me. We used to have what we called the ninety-degree curve about the middle of Walker Lake, between Schurz and Hawthorne, where we could stop on the west side of the curve and go swimming down in the lake, which we often did, and they wouldn't see us up at the Hawthorne yards. One particular time there was a lady on the train and the crew had forgotten it. I wasn't on the train at this time, but she began to wonder what happened that they were on the sidetrack for so long, and she wandered down and saw them all swimming in the lake, and with a scream or two, went back to the coach. Well, this scared them out, because when she got to Hawthorne, she told the officials there about it and then a book went out, "No more stopping the train for anything of that kind."

Fred Balzar, who was in love with a girl out from Benton, whom he afterwards married,

used to stop the train down at Benton, which was a sidetrack and a big water tank, where they used to take water before they went up over the summit coming home, to the north. And he and his bride-to-be would have a nice little visit. They tell a lot of interesting stories of that kind.

I remember one time going down Reservation Hill—we had quite a large train, and we had a carload which was way-billed as vegetables, and next to it a carload of lumber. The lumber projected out over the end of the car and was very, very close to this boxcar. Going down Reservation Hill, which is this side of Schurz three or four miles, the train broke in two, and the contact of that lumber against the front end of that car broke open the end of the car, and it was loaded on that end with watermelons. A man by the name of Frank Needham and I were brakemen, and we fed watermelons to everybody and every section crew on the road from there clear on into Nina. We were the star performers of the “giveaway.” The conductor was noticing what we were doing and he said, “You’re going to get into trouble, boys.”

And we said, “We can’t. This has all been billed wrong. There’s no watermelon on the waybill at all, only on the bill of fare.”

And he laughed like the devil and said, “I guess they won’t say anything about it,” and they didn’t.

The C and C had a spectacular history—its ups and downs. My two brothers both were firemen on it, as I was for a while, and then a brakeman. There were three brothers of the Box family; all three of them got to be conductors. They had two Johnsons; they had three Calverts—two of them got to be conductors, and one an engineer. Frank Cagwin, who was a resident of Carson City, and his brother run a store, a mercantile business, here at one time. He was one of the

engineers. A man by the name of Rusty Smith was another one. Gene Feretto, who was a Dayton boy born in Dany Canyon, got to be an engineer—he’s still living in Hawthorne. He’s way up in his eighties, retired, worked for the highway department maintenance crew for many years. I see Gene once in a while when we go to Hawthorne, and his mind is very, very keen. He’s full of those wonderful memories that every one of us are full of.

How lucky we were, with all of these ex-railroaders living in Carson when we started the museum. A man by the name of Bill Mercer was also an engineer on it and married one of the Box girls. The Box family was born in Dayton. So were the Johnsons, the Calverts at Mound House. But he married a Box girl, and he was an engineer, and he was one of the persons who testified on the matter of the sale and disposition of the C and C. I can see him yet, in my court with tears running down his eyes. It was a pity what was in his heart and how he felt, just as almost everybody that ever worked on that old railroad felt. See, the thing was gone—it was over. It couldn’t survive—we knew that, but they put up a hard fight to save it, but you can’t operate a railroad in the red and do it very long. Ogden Mills did that with the V and T for six or eight years out of his own pocket, but we didn’t find anybody in all of those days who was willing to do it for the old C and C.

It may be said to Mr. Mills’ credit, however, that he kept the V and T Railroad running for several years in the red, and he wanted to preserve it—but fate and modern trucking was against him. The railroad was faced with an obstruction of the cattlemen in the valleys having to drive their cattle for shipment to the railroad yards and then load them. The truck industry competed with them. They drove their trucks right to the ranches and loaded the cattle there and drove

them to their destination. And in addition to that, the stagelines and buses took away almost all of the passenger traffic. It was a sad day to the people in Carson City, and all of Nevada, when the V and T petitioned for its dissolution. It had previously gone into receivership, and Mr. Gordon Sampson of Reno was the receiver, and it may be said to his credit that he tried vigorously to keep the road a-going, also Mr. Murphy, who was the former superintendent of the V and T.

In the opinion of many people that I have talked to in Carson City, the V and T could have been kept alive by the operation of trucklines, like the Southern Pacific does—but that wasn't thought of in those days.

When the V and T was abandoned, it was petitioned to the Public Service Commission of Nevada by the receiver. Quite an opposition was put up by the people in Douglas County who depended largely upon it. But I have related partially why they had to go under—because of the freight lines.

When the V and T was abandoned, my son was the attorney for a great many of the people in Minden, most of the merchants there, who were opposed to it. Bob Allen testified to the Public Service Commission at that time. And, of course, his testimony was very detrimental to the opposition because he had the facts and the figures of how much they were going into the red and how impossible it was to go on. There wasn't anything else to do but to go along with the people who were interested in the dissolution of the V and T Railroad and its abandonment.

It's safe to say that the people were sincere in opposing the abandonment of the V and T. Clark, Jr. was very enthusiastic in his employment by the people of Douglas County, and there were many of them. And he worked his head off gathering all the information he could opposing abandonment. And after Bob

Allen's testimony, I said to him one day, "What do you think about your chances now?"

He said, "Dad, I'm going to stay with the ship as long as I can, until it sinks."

So maybe that was a good lesson to him. He's a determined lawyer, yet. He digs in; he's careful, he is a good reviewer, he's a good researcher, and he don't make up his mind in a hurry.

Was he handicapped by my decision allowing the abandonment of the T and G? I don't think so. That didn't enter into it. All of the testimony on the V and T was local, all the way from Franktown in Washoe Valley, a great many in Carson, and many, many people in Douglas County. And, of course, there wasn't much that could be said for the merchants in Carson. They had all, long before, commenced to patronize the freight lines. Their testimony wasn't too strong because they didn't have anything to offer in countervention of what the V and T wasn't doing, and possibly could do, because it was too late for the V and T to establish a freight line like the Southern Pacific did in many communities around the country.

It wasn't a case of the V and T being mismanaged. I never thought so, and nobody else in connection with it. Some of the testimony at the Public Service Commission hearing was to the effect that the line had been mismanaged, and some of them accused Sampson of that, but I didn't think it was right. I think Gordon Sampson was doing everything that he could; he was sincere, and he was honest in his endeavor to keep the V and T going. I think it was his relationship with the Mills estate people (there's only a grandson left), the Reids. They had faith in him, and he was in constant touch with the Reid family.

At one particular time, Duncan McLeod, who was the attorney for the railroad, was

trying to peddle the railroad for a less sum than Sampson eventually got for it. That's a matter of record in Sampson's memoirs. It's been kept confidential in the museum, but he come over a week or two ago and got it and said he wanted to make a copy of it and would bring the original back to us. When he gave it to us, it was put under seal, not to be opened—only on the authority and signature of Gordon Sampson, and I never knew it was in there until a couple of weeks ago when he opened it up and showed it to me. But the ledger's been there a good many years. They were about to throw that away. I say they were, not Sampson. He was too sharp for that. He wanted to save that.

I always thought that Gordon was very sincere—he was always a gentleman, and unfortunately, a few Carson people who were in business blamed him for mismanagement because he wasn't delivering freight from door to door. Well, he didn't have any finance[s] to start a freight line. It was enough for him to keep begging the Mills people to carry on. That decision of mine on the T and G abandonment—later it was used in the V and T case. I'd like to give a little background on the T and G case. It was a question of fact. I could see that the Public Service Commission had their minds fixed too firmly upon the testimony of the people in Goldfield and Tonopah, but it wasn't as factual as the testimony that was presented by the people who asked for abandonment. I mean they had the facts and figures showing that they were in the red.

There were heated arguments, one side and another, in court—there always is on matters of a controversial nature, but they were gentlemen's arguments. Once in a while H. R. Cooke or someone would fly up a little (he was one of the attorneys, too), but he was hot-headed and usually did in court, but

always calmed down. He was a wonderful lawyer, H.R. Cooke. Billy Mercer, who was very sincere and was an engineer during the T and G's prosperous days, told stories of the money they were making, and it all went East—all went East to the stockholders. Why couldn't they give some of it back to help the railroad run? Well, things aren't done that way—they weren't done any time in life that I know of. There's only a few that give part of it back to the state or to some community, or churches, or things that are worthwhile as charities.

I never considered that the people who were against abandonment had sufficient facts for the Public Service Commission to have its verdict sustained. The Interstate Commerce Commission certainly had the facts, and they said it ought to be abandoned; and some of the testimony that was used before the Interstate Commerce Commission was used before me. And my heart was just as full, and my sympathy with the people down there, but you don't deal in sympathy when you are on the bench. You've got to forget it, and if you can't forget it, you've got no business being a judge.

The story of railroads—you take the little railroad that run from Battle Mountain to Austin, and the one that run from Carlin to Eureka, they did the best they could for many, many years, but when roads and highways were built, they just went out of commission, that's all. They had practically no traffic.

I remember the last time I ever rode on the train from Battle Mountain to Austin, I was going down there to pay a visit to the subordinate lodge of the Knights of Pythias. I was the Grand Chancellor of Nevada in 1915. Their mode of transportation of passengers was a gasoline motorcar on rails. And old Judge Peter Breen had come over from Eureka, on the Eureka Central, and down to Battle Mountain, and he was on the car with

me, the gasoline car. And when we got to Austin I was dizzy and sick to my stomach. The old judge said, "You get some Bromo Seltzer in there from Easton, who runs the International Hotel." I got all right in a little while, but those gasoline fumes were terrific. You wouldn't blame anyone for not riding on the thing unless they had to. In those days Judge Peter Breen was an old man; he didn't drive a car, and he had to use buses and railroads. There weren't too many cars in existence.

John Sexton, who had charge of the railroad from Carlin to Eureka that was still running during World War I, got into a controversy with William C. McAdoo, who had charge of all the railroads of the United States, and he blocked the main line of the railroad at Carlin because they had his mail contract held up, and he held them there for several hours until he got assured some way that he would get his money that was due on the mail contract before he opened it up. He held the train up—the main line train—for several hours. Oh, he was a corker, and Judge Sexton was his son. Sexton was just a corker—he run that railroad to suit himself. McAdoo couldn't tell him how to run that railroad. He was an interesting character. Anything he tackled he just put all his vim and vigor. If he was right, no one was going to tell him he was wrong.

Back to the T and G story—this man Will Mercer that I tell you about wasn't connected with the C and C all of his life. Then the Tonopah and Goldfield line was built, he went as an engineer there, as did two or three others. A man named Simon Parker was conductor, a Mason Valley boy, and worked on the C and C first. And Mercer was the man who testified in court on the abandonment of the Tonopah and Goldfield. It— first, you know, it was a freighting line from Sodaville to Tonopah, when Tonopah was first discovered. James

Lothrop was a Dayton boy, the son of the district attorney, and Davis was married to Lothrop's daughter. They established a freight team and a store at Sodaville, the Lothrop and Davis Company, and afterwards moved their store to Tonopah and made a fortune there. One of them, Frank Lothrop, was made a county commissioner of Esmeralda County. They got interested in the mines, and, of course, they had the first big store in Tonopah.

The railroad that run from Barstow to Goldfield, known as the Bullfrog road, and the Tonopah-Goldfield-and—Las Vegas road that run from Las Vegas through Rhyolite and Beatty on up to Goldfield had both been abandoned long before the Tonopah and Goldfield. They just went out of commission, oh, years before the Tonopah and Goldfield went out of commission, because they couldn't keep up. They didn't have the freight; they didn't have the tariff that the Tonopah and Goldfield did over the C and C and later the Southern Pacific. You see, they standardized the road from Mina to Tonopah the same time we standardized the track from Mound House to Mina, and any worthwhile freight was going through those two roads. But the fight was put up—an honorable fight, but a losing fight, sad to say, because they didn't have very much to stand on.

MINING INTERESTS

"Sensation Created By Placer Gold Discovery Near Yerington." "Hundreds Of Claims Staked In Greatest Gold Rush In Recent Years."

News of the discovery was first known in Yerington when Judge Clark J. Guild returned from Reno, where he had seen a bottle of gold displayed by Whitaker. Judge Guild,

accompanied by John Baker, searched through all parts of Mason and Smith Valleys before finally coming upon Whitaker at work at the claims near Buckskin. Guild and Baker secured option on prospectors on several adjoining claims,

which led to my final association with Adams, an old prospector, and we sold the Anaconda property.

"Judge Guild Buys Pumps For The Adams-Rice Placer." "Ten Men Are Now On The Payroll." "Reno Capitalists Acquire Adams Claims From Rice Placers." "Plenty Of Water Developed At Adams-Rice Placers." it was called the "Adams-Rice" because I shared my paycheck for one solid year and kept Jeff Rice and James Adams digging shafts and drifting in this canyon off of Mason Pass. Times were hard. That was during the depression years, and we didn't make any money—went into debt pretty bad with pumps. I bought the Bluestone pumping plant and mortgaged my home to do it. In the meantime, Rice went out to Pershing County—he quit us. And I kept Jim on and hired a man to help him sink a shaft because he and Red Taylor had had a lease upon what was known as the Empire Nevada property originally, not a part of the Anaconda property. And we finally acquired the Empire Nevada patented claims from the County, Adams and I. That's a long story and an interesting one. We had six or eight carloads of ore on the way to the American Mining and Smelting Company in Murray, Utah, that we'd sorted from the dump, and the bottom went out of copper, and we didn't get much of anything other than our freight out of the shipment, and I wanted to give the claims up.

I said, "Jim, there's no future in copper. Let's stay with these placer claims. That's gold and they might come out all right."

He said, "We'll stay with both of them."

"No, I'm not a-goin' to pay taxes on that copper—or patented grounds, and I can't afford it."

And he commenced to cry. Big tears rolled down his eyes.

"Oh, well—I'll stay at it another year."

I had moved to Carson then. A man come into the office named Colonel Eldon Braden one day, here at Carson.

He said, "You own that copper property—Empire Nevada Copper property at Yerington?"

I said, "Yes, my partner and I."

"Well," he said, "we'd like to take a lease and option on it."

I said, "You must have the Miami drillings." I knew that when Joe Gelder owned the property. He had the Miami Company interested and they drilled it.

And he said, "Yes, I have."

"Well," I said, "I tried to get them, and they said they weren't for sale."

"Well," he said, "you don't happen to have the connections that I have." He said, "We're with the Anaconda Company."

I said, "That spells it. Write your own ticket." I said, "The damn things aren't worth anything."

And he said, "What?"

"Write your own ticket. I'm through with copper. I don't know why you're monkeying with it except you're in a big company that can afford it." I said, "If Roosevelt hadn't made that speech in Chicago, I think copper might have stayed good for a while."

He said, "What's that?"

And I repeated it.

And he said, "You like him just like I do."

Well, to make a long story short, they took the lease and option.. They put on a three-compartment shaft. They had fourteen drills on there for four years before they exercised

their option. And I didn't want to take their money. They had an option of \$150,000, and I knew that the Internal Revenue would come along and take the big end of it, and I coaxed it not to. I'd rather take stock, and the head men said, "No, we have our tax problems, too."

And by the way, Colonel Braden stayed in Reno during a great portion of this development program at the El Cortez Hotel. And on Sunday, one night, when they had the chicken dinner at the hotel, got a chicken bone stuck in his throat and died before they got him to the hospital. Oh, he was a wonderful man—one of the most likable men—just wonderful.

"International Starts Drilling Operation." Here's the whole story of that. "Placer Discovered—Means A New Development."

Adams died and willed me his half of the placer property. A couple of years before he died, I made Clark, Jr. a present of half of it. So he and I own it together, and we have interested people at present examining the property. Shortly after I retired as judge (it was in 1957), a man by the name of B. C. McCabe come to the office in Reno and he said, "Are you the attorney for the Steamboat Springs?"

And I said, "Yes, I am."

He said, "I would like to get a lease on the property" (see Geothermal Power, next page).

I told him, "They don't want to give a lease. They have a nice little resort, doing well, with steam baths, massages and a nice trade."

And he said, "I don't want to interfere with their resort."

And I asked him why he wanted to lease them.

And he said, "I want to drill for steam, geothermal steam."

Well, that was all new to me. I never heard of it, and I said, "That's thermal power, anyway?"

He proceeded to explain to me that in reading an article that was in one of the *Popular Science* magazines, he read that the United States was restoring the thermal power plants in Italy which were blown up during the war. He wondered what thermal power was, also, he said, so he sent a man to Italy to find out, and found out that the government owned the thermal power plants there, and they supplied better than one-half of the power of Italy. Also, New Guinea owned almost all of the thermal power plants, and that supplied almost all of the power in that country. This man was a very well-to-do lumber man, and he got busy on this. And after a long story, he got a lease, and I was the first attorney in the whole world that organized a thermal power plant when I organized the Magma Power Company.

They had their annual meeting in Reno last week, and he reminded me that I was the first. I said, "I thought the first one was up at the geysers."

He said, "No, the first was at Steamboat. You organized the Magma before we went to the geysers in Lake County. They have been very successful in California in producing wonderful wells in Lake County. PG and E have hooked onto them. They have drilled several places in Nevada—at Steamboat, at Wabuska, Brady's Hot Springs, and out at Beowawe. Most of the wells that they've drilled here at Steamboat and Wabuska and in the Fallon territory have had a little too much water in them, but they feel they'll overcome that by going deeper, and they've made practically a success at Beowawe. They find their finest wells there and are proceeding there to go deeper. They've found, through experimenting, that the first two or three wells they drilled up there were in a fault and they gave it up. We have a long fault called the

Genoa Fault through this territory here—and that goes as far north as Steamboat. And while we have at Wally's, and even here, Carson, artesian wells, I think someday we'll have sufficient thermal power here all over Nevada.

I thought it was a very fine compliment that I've been their resident agent ever since we organized the company, but I never thought of being the first man in the world that organized a thermal corporation that's known as the Magma Power Company.

Did I ever tell you that I'm recorded in *Who's Who in Law* in 1937? Well, I was. This is an extract from it. (I got this out of my old file.)

Important cases: upon failure of banks in Nevada, reorganization was attempted, after many weeks of testimony ruled against reorganization on account no consent of minority depositors, sustained by Supreme Court, appointed. Receiver closed banks over objections of State Bank Examiner and other contesting parties, sustained, receivership now in First District being administered more economically than any within history of State; decided in State Bank cases no preference Nevada Industrial Commission funds, sustained; Progress v. Progress was upheld and sustained in the constitutionality of the six weeks' divorce law of Nevada; Prouse v. Prouse, held six weeks' residence applied any place in State, sustained....

MEMBERSHIP IN FRATERNAL AND SERVICE ORGANIZATIONS

Well, let's take fraternal orders, clubs, and so on. While I was in Pocatello, Idaho, in 1907, the year that I was injured, my brother-in-law, George Slingland, induced me to become a member of the Fraternal Order of Eagles. He ran a sporting goods store in Pocatello at that time. I said, "George, I'm not twenty-one."

"Well," he said, "you're nearer twenty-one than you are to twenty. You were twenty in March. You'll be twenty-one next March. I'll take your application in."

So it went through and I become a member of the Fraternal Order of Eagles in Pocatello, Idaho in 1907, and transferred to Yerington No. 1696 at Yerington, Nevada, in 1911 or '12. I'm still a member there and past president. I guess I'm the oldest man—or one of the oldest men—in years of membership of the Fraternal Order of Eagles in the state of Nevada. I'm a member sixty-one years this fall.

My two brothers both belonged to the Knights of Pythias in Dayton. They had a lodge in Dayton at that time—Lyon Lodge No. 12. They induced me (I was the elected recorder and auditor at the time, 1908) to become a

member. I joined the lodge in Dayton. it was later dissolved and I transferred to Yerington, Greenfield Lodge No. 30. I took a great interest in the lodge and served in all of the subordinate lodge offices, served in all of the grand lodge offices, and was elected grand chancellor. Then I was elected to the Supreme Lodge of the Knights of Pythias in the world, where I served over twenty years in various capacities—as chairman of the judiciary committee, and on the foundation board of trustees, and on the Supreme Tribune. I got a lot [of] pleasure out of being on the board of trustees, the foundation trustees, because we gave scholarships on essays and declamation contests, all to the high school students of America and Canada. I had the honor of selecting the subjects on two different years. selected "juvenile delinquency" one year, and it was marvelous— marvelous to see those boys and girls come in as contestants in the finals. The finals were always held before the Supreme Lodge.

I shall never forget this one: A young boy from Los Angeles (I guess one of the schools outside of Los Angeles, whose name I've

forgotten for just a moment) was in the finals. They had a program on the air in Los Angeles at that time. Was it "This Is Your Life"? And this boy's mother went to that drawing and won the prize. They asked her what she wanted to do and she said, "I'd like to go to the Supreme Lodge, Knights of Pythias." I think we were meeting that year in Chicago. So she had her choice. And they brought her there and they kept her, unbeknown to her son, who was to get the award. I mean, they didn't know that he was to get the award at the time, but he was one of five of the speakers, and she was kept in the wings. And when they come in and announced that he was the winner, they brought her out. There wasn't a dry eye in that hall. People just were up in arms. It was sensational! It took a hold of everybody. To think that that mother got to see her son win that prize. It was a coveted prize—it was a scholarship.

Back in 1931, a man from North Carolina, Colonel Walter Taylor, accompanied his daughter out to Nevada to get a divorce. He was afraid to have her out here amongst these wild Indians and he wanted to protect her. So he took up residence at Minden, and he hired a car and drove all over the state of Nevada. He became very well acquainted. I had him as my guest at the Rotary Club, both at Minden and at Fallon, and he told a story then about Mussolini. He said he read an article where Mussolini was training the youth of Italy under his guidance and those of his associates into Fascism, he said he had become intrigued with the matter and he wrote a letter to him and told him he wanted to visit him. Well, the letter went back to the American consul and the State Department in Washington, and they called on him in North Carolina and asked what his purpose was, and he said, "I want to go over and find out a little bit about Fascism, but I want to find out how

he's teaching, because I think our American youth needs to be taught Americanism, and maybe I can get some clues."

Well, anyhow, the arrangement was made, and he called on Mussolini, under guard, of course, and during the course of the conversation, Mussolini said to him, "Why are you visiting here? What is your purpose?"

And he said, "I have come to interview you about your method of teaching the youth of Italy. Maybe I don't believe in what you're teaching, but maybe I can get some ideas to help teach Americans and the American youth more about their country." He said Mussolini just quivered, just quivered. But he finally loosened up and told him a great deal. He thought that his program for Italy was good and he wanted the youth of Italy to learn that program. Well, that made quite a hit with the people around the state of Nevada where he talked and so on.

The following year I was a candidate for the Supreme Vice Chancellor of the World of the Knights of Pythias, and it was a foregone conclusion that I would be elected because Colonel Taylor and a lot of my very fine friends in the Supreme Lodge were all for me and they had made quite a canvass. So I was nominated for Supreme Vice Chancellor on the second day of the convention. That night, Professor N. E. Wilson, who was with me as a representative to the Supreme Lodge, and Colonel Taylor, and some of them met in Prof's room. Prof said to me, "Clark, what are you going to do if you're elected Supreme Vice Chancellor? You're going to have to do a lot of traveling to prepare you for the Supreme Chancellorship, because the Supreme Vice Chancellor automatically goes in as Supreme Chancellor."

I said, "Prof, I never give it a thought. I owe my allegiance to the people of Nevada. A receivership is on in my court and I must

complete it, and tomorrow I'm going to withdraw my candidacy."

Well, those fellows pretty near bawled, and Colonel Taylor was terribly upset about it. He wrote an article to the Fallon paper. I want to quote just a little of it:

A friend of mine has been kind enough to send me a copy of your issue of Saturday, May 14, 1932. I want to take a moment of your time and my time to congratulate you on the editorial on Judge Clark J. Guild, which appears in that issue. Judge Guild is one of my most valued friends and has been for ten years or more, and a man I hold in the very highest possible regard. I visited him in his great state last fall and attended several sessions of his court, and all you say about his conduct on the bench is one hundred percent-plus correct. I have a great respect for courts, realizing that they are the only protection, the final appeal that American citizens have, and criticisms would be few and far between if all the courts were conducted as Judge Guild conducts his.

And then he goes on:

I fell in love with your people in your great state. I think my trip out there added ten years to my life—the climate, the people, the scenery, the mirages, all are wonderful and inspiring and invigorating. On that trip I drove across the desert down into Death Valley to Scotty's Castle. I visited your many deserted cities, saw your bottle house, spent the night on the desert in a garage, and

visited Boulder Dam (and by the way, the Chief of Police in charge of Boulder Dam is from my good state, North Carolina). I met many of your distinguished citizens including United States Senators, Congressmen, and Catholic bishops, judges and businessmen. I thank my friends for the privilege of so thoroughly enjoying your issue referred to above.

Signed: Walter Taylor

Thus ended my aspirations to be head of the great order that I joined when I was only twenty-one years old, and worked through all of the chairs. But I never had any regrets, because I did owe my allegiance to the people of the state of Nevada; they elected me. And in my enthusiasm, wanting to be Supreme Vice Chancellor, I had forgotten it for the moment, until old Prof reminded me, and I'm glad he did. You can't serve two masters.

My father was a member of the Odd Fellows Lodge No. 5 in Dayton, and he was very much perturbed that my brothers had coaxed me into joining the Knights of Pythias when he was an Odd Fellow. So he sent Judge C. E. Mack to me, who was holding court in Dayton at the time, not as judge but as an attorney, on the famous case of Angus McLeod against T. B. Rickey, Miller and Lux, and the Pacific Livestock Company. Mack and Green were his attorneys. My father happened to see Mack on the street one of these noons and he said, "I wish you'd give that boy of mine a little talk about joining a lodge that I like."

And Mack comes down with an application and he said, "I want you to sign this."

I said, "Oh, I belong to two lodges now."

"I want you to sign this. Your dad feels very much hurt that you're not an Odd Fellow."

Well, I can't hurt Dad's feelings, so I joined the Odd Fellows that year. So I'm fifty-eight

years an Odd Fellow, fifty-nine years a Knight of Pythias, and sixty years Fraternal Order of Eagles. I was made a past grand chancellor of the Odd Fellows and issued a card way back in 1916.

It is rather unusual for one person to belong to so many organizations, I guess. I look back and I wonder how I gave so much time to it. I was a ritualistic perfection in both the Odd Fellows and the Knights of Pythias. At the time that I was grand chancellor of the Knights of Pythias, I could recite every charge in the book. And I'd go to sleep many a night, even to this day, reciting different parts of the rituals of the lodges that I belong to. Well, it took a lot of time, and yet I never took time away from my official duties in the public life. I usually chose a vacation period of ten days or a week to make the rounds of the lodges around the state. I remember the children's mother and I spent our honeymoon at Ely at grand lodge. That was a lot of years ago; it was in 1914.

Well, now, another lodge or two, maybe. I joined the Benevolent and Protective order of Elks in Reno, Lodge No. 597, way back in the early twenties and I'm still a member in good standing. I have an honorary life membership, card No. 1 in the Nevada Lodge No. 1 in the Knights of Pythias in Virginia City. I have a life membership, fifty-year life membership, in Alpine Lodge No. 24, Knights of Pythias of Fallon. I'm entitled to, and they have made application for, an honorary life membership for me in Mason Valley, No. 34, Odd Fellows.

I'm also a member of the Dramatic Order of the Knights of Khorasan, which is a side order of the Knights of Pythias. Have been for many many years. And I'm a past royal vizier. Also, I'm a member of the Woodmen of the World, have been for over fifty years.

Now, as to service clubs and organizations: During the years that I was district attorney of

Lyon County, I was secretary of the Yerington Commercial Club. I had a wonderful experience in that office. At that time there was no highway between Smith Valley and Mason Valley through the West Walker River [canyon]. You had to go around from Mason Valley to get to Smith Valley over what we call Mason Pass. There was a railroad through there, the Copper Belt Railroad. But all of the lands in there were used by the ranchers in that end of the valley to run their livestock. Some of the members, Mr. George Friedhoff, and Matt Penrose, and some of the members of the Commercial Club felt that they ought to have a closer connection with Smith Valley, and they pondered over it in their meetings many times. The Copper Belt Railroad had gone delinquent in its taxes, and it was against the law for the district attorney to compromise taxes under a ruling of the supreme court of Nevada against the Central Pacific Railroad Company many years before. Henry Moore was their attorney, a very fine man and a very fine friend of mine. He come to the office in Yerington one day and he said, "Look, what can we do? We want to pay these taxes, but we don't want to pay all this extortion that you're getting out." In those days the district attorney was entitled to a commission on collecting delinquent taxes that he had to sue for.

And I said, "That's easy. All I want is the county to get their taxes."

He said, "How do we go about it?"

I said, "You confess judgment in the supreme court."

"By gosh, I'll do it."

"Well, wait a minute," I said. "Don't get in a hurry. We want to build a road up through there. I'm going to the county commissioners and have them pass a resolution empowering me to confess judgment and disallow my fee, providing they'll use the money to start building a road through Wilson Canyon."

And they did. And the money in the check come down, and the ranchers in that end of the valley were wild; they were just wild. Their cattle grazing was at an end, see. And they gave the commissioners holy smoke, and they did me, too. And they were my friends. "Clark, you shouldn't have done that. We don't need that road."

"Yes, we do. It's more important to have the people of Smith Valley closer to us than having you run your cattle there. Speak frank. Be honest." That's the way we started the road through Wilson Canyon while I was district attorney and compromising a lawsuit.

I was made an honorary member of the Fallon Rotary Club in 1926 and still am. I was made an honorary member of the Chamber of Commerce, Carson City, in April, 1949, and still am. I've been an honorary member and citizen of Boys' Town for almost forty years. I've been a member of the American Bar Association for the years since I was admitted to the Bar. I joined the American Bar Association in 1915. I'm a member of the Nevada State Bar for over fifty years and have diplomas to that effect. A matter of fact, it's fifty-five or -six now.

I'm a member of the Wildlife Federation of America for ten years. I take a great interest in that because of my line in museum work. I'm a life member of the National Cowboy Hall of Fame, as trustee from the state of Nevada. This organization consists of the governor and two trustees from the seventeen western states, and the headquarters are in Oklahoma City, Oklahoma. I've been a life member and a trustee since the death of Rex Bell, whose place I took. Fred Dressler is the other trustee, and each governor of Nevada is automatically a trustee.

I have a very dear friend who was in the Supreme Lodge with me who lives in Carthage, Missouri, John H. Flanigan. He and

I were in the Supreme Lodge together many years. He was on the judiciary committee with me and also the youth committee and the foundation trustees. In November, 1965, he sent me a card in the SMB International. It says, "Clark J. Guild is a SMB, not born and, as such, is admitted life membership in SMB International." I'm not quite sure what SMB means. I wrote back and asked him, and he said, "None of your damn business." And, you know, he's never told me yet, and I don't know what that card means. During my eightieth birthday celebration, he wrote me one of the most beautiful letters that you ever thought of seeing or reading.

I'm a member of the Nevada Mining Association. And I'm also an honorary member of the AIMME, American Association of Mining, Milling, Metal, and Petroleum Engineers, AIMME. Louis Gordon dubbed me the "mining judge." He said, "you ought to belong to this association." So he coaxed me into being a member. I'm also a member of the California State Automobile Association through Joe McDonald. I'm a thirty-four-year member of it.

ORGANIZING ADMISSION DAY CELEBRATION

Did I ever tell you that I started the Admission Day celebrations here in Carson City after an absence of a long period of time? Well, they used to hold them spasmodically at Virginia City, Carson, and Reno. Some years they'd hold one and some years they wouldn't. They organized an association in Reno called The Nevadans and The Native Daughters of Nevada, and I helped organize them—Sam Platt, tester Summerfield and several of us. The Nevadans took hold of holding these Admission Day celebrations in Reno, but like all volunteer celebrations, the work falls on

a small committee, and they got pretty slack on their Admission Day celebration. I was president of Carson Lion's Club in 1938, and I mentioned the fact to the club. I said, "We ought to hold the Admission Day celebration where the capitol is."

"Oh, you can't take that away from Reno, Judge."

And I said, "We can try."

Well, Melvin Jepson was a member of the Nevadans, and I went over to Reno and talked to him about it. And he said, "I agree with you. It's too big a job for a small committee here in Reno, and it belongs in Carson, and I'll help you all I can."

Tate Williams was, and still is, executive secretary of the Retail Merchants Association. He was very much opposed to moving it from Reno. But Prof Wilson was the president, so I went up and had a talk with Prof, and the old friend of mine said, "Clark, I think you're right. I think It would be nice to have it at Carson City, and I shall talk to Tate."

Well, we organized. We had every club, every fraternal organization, and the Carson City bank. Billy Holcomb was in the highway department. He made a chart of the committee appointments. I was appointed chairman, and he had all the committees set out, financed—the music, entertainment, speaking, and everything else. We set up a tentative bylaw list that no one would be allowed to speak that was running for office, and we would always try to get a native Nevadan, if possible. The first speaker was Sam Platt, born and raised in Carson City. Everybody in Carson City fell for it. The ladies made the old-fashioned dresses and the gents dressed up. We chartered the V and T train. We took the band to Carson City. We played in the Reno park, the ladies passed tambourines around and collected a little money here and little money there. It didn't cost too much money, but we had a lot

of fun. We had ladies' nights. I remember one of them—they dressed me up as a lady, and Dad Hersey was the Episcopal minister at that time, and he just laughed until he was almost sick at me, sitting alongside of him dressed up with a woman's clothes on.

Oh, it was a lot of fun, and it went very successfully for quite a few years. I had charge of it for two or three years. Then it got more or less professional. Everything was "Old Timer"—old-timer, see? Even at the '64 ball, we never permitted anyone on the floor until after midnight unless they were in costume. Now you don't have to dress to go up there. And, as I say, we wouldn't let anyone speak at the platform at the public exercises if they were a candidate for office. We gave the governor, the senator, the congressman places in the parade, as we should have. But not the voice—no politics at all. It worked very, very successfully. We invited the high school bands here, and we always had a football game for them— something to entertain them, and the night of the big dance, we had the '64 ball in the auditorium and the teenage dance in the high school gymnasium. We tried to take care of the visiting young people just the same as we did the adults, and it worked very satisfactorily, I'll tell you, until it got a little bit out of hand. I wouldn't say out of hand completely, but they hired an expert to take care of it, and he run it into debt something like \$10,000 or \$15,000, and that took the heart out of all the free committee work. They still participate with floats and things, but it's incorporated now, and it works satisfactorily, but never like it did at first— never in the world.

* * * * *

I had an experience as chairman of the PDQ Club in Yerington. I helped form the

PDQ Club—Pheasants, Ducks and Quail—we were a wonderful organization. Every member of the organization was a sworn deputy game warden, and it became our duty to let the chips light where they fall. A county commissioner of the county and a very personal friend was called in for fishing at a dam site on the Carson-Walker River, which was against the law. I had to prosecute him, and the old justice of the peace fined him fifty dollars.

We had wonderful meetings when the duck season was on every year because the hunters from Reno and all over the country come out there, and we'd give them a duck feed. From that I got to be the first president of the Nevada Sportsmen's League. I and the old editor of the Wells paper out of Elko, Bud Triplett, Sr., the vice chairman, led out in doing away with county control and got a bill passed for state control of fish and game, where it still remains, although the county serves as an advisory board.

The manner of selecting the seasons was left, in those days, to the county, and it was a mess. The season would open in one county and all the hunters would run to that county and then it would be opened in another county and they would rush to that one. We conceived the idea of having central control set up and we worked long and faithfully and had the support of most of the sportsmen throughout the state and set up a system whereby each county was represented in the state setup. That system has worked out very satisfactorily to our minds and the minds of the many sportsmen of the state of Nevada. It is hoped that it will not be changed.

During this time Walter Cox, who was game warden in Lyon County, resigned, and the county commissioners appointed an Italian named Giuseppe Ciccarelli. It made me so damned mad when one of the boys

come in and told me. At the commissioners' meeting, I walked in and told them—we had an agreement with the county commissioners that we would nominate three people and they would appoint a game warden from the three. That was a verbal agreement. And they understood it. And I said, "You gentlemen have broken your gentleman's agreement, and I'm resigning from the PDQ Club because that guy can't take the constitutional oath. He was convicted of bootlegging and sentenced by old Judge Edward S. Farrington."

Well, the PDQ Club fell apart. Afterwards they appointed a man by the name of Charlie Threlkel, and boy, I want to tell you, he was a rough boy. He never deviated one bit for nobody under any circumstances. We got some of the finest service out of that boy as a game warden that any county in the state ever had.

I'm a sustaining member of the Young Men's Christian Association of Reno and also of the one that they're starting here in Carson. I was state chairman for the last two years of the Christmas Seal drive—Nevada Association for Tuberculosis and Respiratory Diseases. I installed the office in Reno last Saturday.

I want to say something about my interest in Boy Scout activities. During the Spanish-American War, my sister was living in Reno—my sister, Lucy, Mrs. Markwell—and I was spending the summer vacation with them. During that time, a man by the name of Sam Armanko (that's Mitch's uncle) and Sam Rosenthal were running a newsstand on Commercial Row and were agents for the San Francisco and other papers. I got a job selling newspapers to these troop trains. It was very lucrative, let me tell you. I was very, very fortunate in getting the position. I used to afterwards get to Sam—they were both nice—I'd get them in a crowd and say, "You

fellows know why I'm hump-shouldered? Well, those troop trains come in and they loaded me down so heavy with papers, you see, that I got stooped over and I couldn't straighten out." They both get a kick out of it and laugh. They were wonderful friends, both of them.

The next summer after that, I got a job in Reno during vacation, up at the Becker's brewery, washing bottles, seventy-five cents a day. And by God, that was a lot of money for a boy in those days, I'm telling you.

Then when my brother-in-law, Fairbanks, run the newspaper, the *Lyon County Times*, in Dayton, Nevada, I was the "printer's devil." They call the "printer's devil" the boy that does the washing of the presses and the work of that kind, and takes the papers out on route around the town.

It might have been through those activities in my boyhood days that I took a great interest, because of that, in the Boy Scouts. But I think what brought it to a real climax was the interest that I took as a district attorney, as a district judge, in what the Boy Scouts were doing, and what it meant to society, and to parents, and to everybody else. So I fostered the Boy Scouts in every way that I could. I became a member of the Nevada Area Council and served for almost twenty years.

In all the time that I was a district judge, I never sent but three boys to the reform school at Elko who were Boy Scouts. And two of those ought not to have gone, except that it was a broken family in both instances. But I had one little fellow that was just into mischief right and left. He had robbed first a station over in Fallon. And my arrangement with the sheriffs of my counties (they were all my probation officers, ex-officio)—first thing that I took up when I went to outside counties of the court was concerning juvenile matters.

This boy come in and he—there was three of them. They had gone down to the school, down in what we call the Harmon District, east of Fallon, during a school vacation, and had taken white paint and mussed up the blackboards, and—oh, did a lot of mischief. I brought the parents in (they were very cooperative), and I said to them, "Now, what are you going to do this summer?"

"Well, I was going to drive derrick for my father and buy a pony.

"Oh, you were, were you? Go right on and do it. What were you going to do?"

"Well, I was going to buy a saddle. I'm working for my father on the ranch, too, helping him hay, and I want to buy a new saddle."

"Well, maybe you'll buy it, and maybe you won't; I don't know. How about you, youngster?"

He said, "I want a new bridle, but Papa said he won't hire me any more because I'm a bad boy."

"Oh," I said, "I think we can fix that up. Tell you what we're gonna do, boys. The sheriff's gonna have someone repair all the blackboards down there, and all the damage you did, and then your father's going to pay off every Saturday, and you're going to bring the money in to the sheriff. And when the damage is all paid for, there might be a little bit left. I don't know."

By golly, they did. And the parents thanked me. Well, that was an instance over there that was outstanding.

But I want to tell you this one about Carson City; that's what I started out to do. We had a boy here who was a stepson. His father had died. He didn't have a bicycle. And elementary school was over here on King Street at that time. And during the lunch hour, he took one of the other youngster's bicycles, and he rode it downtown. Sheriff

Bud Austin caught him and took him back up to school, but didn't put him in jail or anything. And the kids all called him a jailbird. All right, he'd played hooky from school, and his stepfather gave him a licking. I sent the district attorney up to the schoolhouse to talk to the assembly and tell them this boy was not a jailbird; he never was in jail. But boys are mean sometimes. They didn't get over calling that boy a jailbird every time he showed up. And he got so that he wouldn't come to school until school was taken up. And then it got so bad that I went over to his stepfather and I said, "If you ever lay a hand on that boy again, Tell put you in jail. That boy needs love, not abuse." The next thing that happened, I found him sleeping under the V and T boxcar. I bring him in. And the climax of the whole thing was he set fire to my garage here in Carson City. I brought him in. "Johnny, what did you want to do that for?"

"Why, I didn't know that was your garage, Judge Guild. You're the only friend I've got in Carson City, and I love you."

"Well, what did you do it for?"

"I wanted to see the fire department in action."

What are you going to do with a boy of that kind? A knock came at the door and a very prominent lady here in Carson City come in.

"Judge, what are you going to do with little Johnny?"

I said, "I don't know. I'm beside myself. I'm not going to send him to Elko. I'd walk down the street in Carson, and people would say, 'Send that boy to Elko. He's incorrigible.' I won't do it. He's a nice boy, and I'm not going to send him to Elko."

She said, "Have you ever thought of Father Flanigan's home?"

And I said, "I never gave it a thought."

.She said, "I'll pay his way if you'll send him."

And I said, "We'll send Father Flanigan a message and see if he'll accept him." And I did. I told him there's no record against the boy. And he accepted him, and the boy went back there. He graduated in World War II, and went into the Navy as an ensign, and he's still in the Navy. He wrote me a letter while he was in school, and he come to see me when he was on furlough from the Navy. He said, "Judge Guild, if it weren't for you, I'd have been a burn and no good on earth. I owe everything in the world to you." And I have that letter locked up in my safety deposit box.

Now, why wouldn't I get interested in Boy Scouts? It reminds me of a humanitarian effort, an unselfish effort, trying to guide kids that are absolutely okay in every direction, except they get sidetracked once in a while or a little bit neglected at home.

I had one case over in Fallon where a boy got into a service station, and it was because his father wouldn't bring him to a Boy Scout meeting. They were five miles out. And he run away and got to town, and instead of going to Boy Scouts, his fingers got a little bit sticky and he took a five-dollar bill out of a service station. I sent for the father and the boy. "Now, this boy is going back into the Boy Scouts if they'll take him, see? And you're going to bring him to Boy Scout meetings. And if you don't, I'm going to have you in jail for delinquency to a minor." Well, he went right along, and got to be an Eagle Scout.

Remember the story they tell about old Abou Ben Adhem?

May his tribe increase,

He awoke one night from a deep sleep of peace

And saw in the presence of his room an angel writing in a book of gold.

Exceeding peace made Ben Adhem bold.
And to the angel in the room he said,
“What writest thou?”

And the angel said, “The names of those
who love the Lord.”

And Abou spoke and said, “Is mine one?”

“Nay, nay,” replied the angel.

Abou spoke once more, “I pray thee then
write me as one who loves his fellow man.

And the angel wrote and vanished.

And the next night it appeared again with
an awakening light,

And showed the names of people who the
love of God had blessed.

And lo, Ben Adhem’s name led all the rest.

That’s what Scouting amounts to. That’s
what YMCA’s amount to. That’s what Girl
Scouts amount to. All of these things come
from those who have time to love their fellow
man, and especially boys and girls. I’m just
as proud as I can be that my son was a Boy
Scout. I remember I joined the YMCA in
Pocatello, Idaho, way back in 1907, for the
first time. Clark was president of the YMCA,
Clark, Jr., in Reno for two years, and is still a
director. He’s also a director for the Nevada TB
Association. I guess that’s why I couldn’t say
no about their Christmas Seal [chairmanship
of fund-raising campaign]. I couldn’t take it
from him if he caught me saying no.

I received the Silver Beaver Award, the
highest award in Scouting, and—well, it was
a surprise. It was given to me at one of the
annual sessions. Lester Summerfield was the
promoter of it and the real estate man in Reno,
J. E. Sweatt. Gunnar Norregaard was a great
guy in the institution, and Dwight Nelson.
I knew them all; their names slip me a little
bit. They had watched my work, mostly in the
juvenile world. And they were entirely aware
of my activities.

The award is a small, miniature beaver,
with a blue and white ribbon. It’s in my bureau
drawer. Sometimes I think many of the honors
I have received are put in drawers. I haven’t
anticipated them; I never wanted them; I
never worked for them in that light. All the
things that I ever did in clubs and fraternal
organizations I did for the love of humanity
and the love of ray fellow man. Everything in
this room is a history of something that I’ve
done along that line. That set over there, that
copper set, was given to me by the members
of the Cypress Lodge over in McGill and
the institute of the K of P Lodge over there.
And this big copper set over here was given
to me by the lodge at Ely, when I was Grand
Chancellor of the order of K of P. All of these
various mementos are something that’s been
presented to me down through life by friends
and associations. The miner’s scales were
given to me by an old miner friend; they’re
assay scales. The pewter pitcher was given to
me by a member of the Capitol Lodge No. 4,
Odd Fellows, several years back. I told them
at the time I wasn’t deserving of it.

The teachings of every one of these
organizations I’ve belonged to are very
wonderful. There is not a fraternal organization
that I know anything about that hasn’t
fundamentally got its impressions, first, from
the Bible and then from love of country and
from love of fellow man. For instance, F, C
and B—friendship, charity, and benevolence,
that’s the Knights of Pythias. Friendship,
love, and truth—that’s the Odd Fellows. The
Odd Fellows’ story of friendship is taken
from the Bible. The story of friendship in the
Knights of Pythias is taken from the story of
Damon and Pythias, a preaching story. Well,
it’s the sweetness of the sermon; they’re very
beautiful and very dramatic. The teachings
themselves, and the associations, are most

pleasant. You have to be a man or a woman of good moral character.

Sometimes I think that the service clubs are more or less superseding the things that the fraternal organizations did in their earlier years. For instance, the visiting of the sick, and the caring for the dead, and the burial of the dead—they still have those things to do as fraternal organizations. But the service clubs take their place now in doing the things in the communities that they used to do, in different activities for youth, and so on. Of course, all that I know about the fraternal organizations—it becomes a close alliance between their brothers and the sisters, too. I am a member of the Rebeccas for many years. I am also a member of the Pythian sisters.

The Knights of Pythias was the first fraternal organization organized under an act of Congress of the United States. The Odd Fellows was first born in England and brought to the United States. The Masonic organization is older than any of them, of course.

My son and my brother Henry are both high Masons. I've never been able to affiliate with the Masons because of my crippled condition. They have a law in some of the jurisdictions—I know about it; I know what it's for. But you have to kneel, and I haven't got two knees to kneel on. Talking to a very old friend of mine who's passed on, Ed Peterson, who was a Mason for many years, he said, "Clark, some of the oldtimers have an idea that they need more physique than brains. That's why you can't be one of us. Which I'm awful sorry."

I said, "I never want to be. I belong to too many now."

I think that the teachings of these various lodges or fraternal orders have affected the way that I have viewed my work, very much

so. I think they lay a foundation in men's minds and hearts (and ladies' minds and hearts) to go through life doing the right thing by themselves, for themselves, and for their fellow man, and in society to properly take their place in a nation of law and order. I think it has a very, very fine influence, all of them—the service clubs, and more so the fraternal organizations, maybe, in shaping character.

I wouldn't say that they ever interfered with my making a decision in all the years that I was a judge. As a matter of fact, I was a member for several years of the Brotherhood of Railway Trainmen. But I retired and took a withdrawal card when I was elected to public office because I didn't want anyone to think I would be influenced by being a member of the labor organization. And in that respect, I approved the full crew law in the state of Nevada, sitting for Judge Moran. And it was sustained by the supreme court.

THE NEVADA STATE MUSEUM: SOME OF ITS HISTORY AND DEVELOPMENT

In the early summer of 1938, on a Sunday morning, I was taking my usual walk up to the post office for the mail. And afterwards (almost usually) I would walk by the Arlington Hotel, where a lot of the old-timers would gather for Sunday and stop and visit for a while.

On this particular morning, I went a little further up the street to the old Mint building, and I discovered a sign on the building, "For Sale." Well, it rather upset me and bothered me, and I walked back to the group of people standing and sitting in front of the Arlington Hotel. Bill Maxwell was the proprietor. And I said, "Bill, they're going to sell the old Mint building."

He said, "Well, Judge, do you want to buy it?"

I said, "No, I can't buy it, but it ought to never be sold. It would make a wonderful museum."

I didn't get much satisfaction there, and as I strolled on down the street, I met my good friend George Sanford, a very prominent

attorney here. And I said, "George, did you know that the Mint building was up for sale?"

He said, "Yes, I heard about it."

"Well," I said, "I think we ought to stop it, if possible. It would make a fine museum, and we haven't got one in Nevada."

"Well," he said, "what do you propose?"

I said, "I'll put up a thousand dollars."

And he said, "I will, too. But wait a minute," he said. "How much do they want for it?"

Well, we decided that we would wire Pat McCarran, our senator, which we did. Pat wired back and said, "It's been appraised at six thousand dollars." That looked simple to George and me.

I said, "We're going for it from right now."

That old Scotchman had another idea. He said, "No, let's have Pat put a bill through Congress permitting the state to buy it at its appraised value." So we wired Pat, and he did that. Otherwise, perhaps we never would have gotten the building, because when it became known that the building was only appraised

at six thousand dollars, several private parties commenced to put in bids for it, one of them Mr. George Whittell at the Lake. And if it hadn't been for the foresight of Pat McCarran of putting the bill through Congress, tying it down, perhaps it never would have occurred.

Well, we (Mr. Sanford and I) drafted the Museum Act and presented it to the 1939 legislature, placing the title of the building in the hands of the state for museum purposes. It was a long, hard pull. The building was dilapidated, the roof leaked, the debris from the chimneys had been chipped by miners after the machinery had been moved out and had to be removed. We had no money, and at that time the WPA was putting on projects here in Nevada. After a long period of negotiation with Gilbert Ross, the WPA director for Nevada, we finally got a project through. We were to furnish the material and they the labor.

About that time, my good friend, Lester Summerfield (we were very close friends; he was district attorney in Washoe County when I was district attorney in Lyon County, and we were both admitted to practice law about the same time in Nevada, and our friendship grew down through the years), he said, "Judge, you got a wonderful idea. Why don't you get in touch with Major Fleischmann That's his hobby, and he did wonders for the museum in Santa Barbara."

So I wrote to Major Fleischmann and asked him if he wouldn't assist us and be our advisor. And he declined. He wrote and said he wouldn't have anything to do with it. So I told Lester about that, and he said, "Well, pour it on. You go through the statutes and you get all the figures on how much the state of Nevada has appropriated down through the years since its statehood to the present date for all these national and international expositions at Paris, and St. Louis, and

Chicago, San Francisco, and elsewhere. Put them together and then tell him this: that we have written into the Museum Act that at the conclusion of the present San Francisco-New York fairs, the exhibits must be delivered to the Nevada State Museum as nucleus. Tell him, also, that from these wonderful collections that were sent to Philadelphia and all of these other national expositions, most of them became lost after they were returned to the state of Nevada."

Well, the major became very much interested and he asked for an appointment. Governor Carville had appointed myself, Bill Donovan, and Miles Pike on the Museum board. The major was very enthusiastic after it got started, but he had his terrible misgivings, He come down one Sunday and we went down to the museum. I was showing him around where I had had an architect say that we could remove several of the partitions of the small offices upstairs, and make three very fine rooms. We would have room then for our mineral exhibits especially, and some of the furniture which we got back from the fairs.

He turned to me and said, "What do you know about a museum?"

And I said, "Major, I don't know anything, but by gum, we re going to have one here in Nevada. I've been around. I've been to large cities. I've been to many museums. This may be a dream of mine, but I hope to see it consummated if everything I can do will help do it."

And he said, "Well, I like your guts. I'm going to give you five thousand dollars to get started." He said, "I told Governor Carville when the bill was before the legislature that they couldn't do anything with this building as a museum, and if they'd appropriate a hundred and fifty thousand dollars, I'd match it. But let's see what you can do. I want you to be my guests, you and Mr. Donovan, down to

Santa Barbara for two or three days, and see what makes a museum tick.”

He made his residence in Nevada because of tax purposes and impositions on him in California. And there was a beautiful residence at Glenbrook—still stands. He had his own yacht, his own airplane. He used to spend from the first of May until after elections, shortly after the tenth of November, and from here he went to his plantation in North Carolina. And after Christmas he went to his beautiful home in Santa Barbara. He would fly up here the first of May.

The inside walls of the museum were all whitewashed. We conceived the idea of drilling holes and putting in wooden plugs and finishing it with wallboard. And we had these operators from WPA doing the work. They had a compressor, and they would drill holes in the wall and put in wooden plugs and fasten this wallboard around it. It made a very, very beautiful wall.

On his trip to Nevada after his conversation we had and his donation of five thousand dollars, Major Fleischmann stopped in to see what they were doing, and beat it on right up to the Lake. He called me up and said, “Judge, I want you to bring Governor Carville and the museum board up here tonight. I want to talk to you.”

So I got them together, and all the way up, my heart was in my mouth. “What’s happened? We got the major interested, and he seems to be real mad.” We got up and sit around a little while and he said, “I’ve sent for you boys to come up here. I was in that museum this afternoon on my way up to the Lake. I stopped in to see what you were doing. I was just completely disgusted. There was one man there standing, rolling a cigarette. There was another man sitting in his chair watching a man drill holes in the wall. If you can’t do better than that, forget it.”

“Well,” I said, “Major, that’s all we can do with the money we got.”

He said, “It’s not all you can do. Fire them”

“Well,” I say, “And then what do we do?”

“I’ll put my contractor on there and finish the job.” And he did. And it cost him nineteen thousand dollars.

The copper mining people of Nevada put on a new copper roof. One or two of the miners from Silver City thought that they would do well if they cleaned the muck from the chimney sweepings, and so we made a lease to Mickey McCloskey, who was afterwards a United States marshal of Nevada. He gathered trucks and took this all up to Silver City and put it through the mill. We give it to him on a ten percent royalty basis. He made about ninety dollars and we made nine dollars out of the transaction. But that was a lot of money to us, too.

Well, we were off. I had a habit of holding court all over the state of Nevada for other judges when I had time. I used to go to Las Vegas, and Ely, and Elko, and Reno, holding court. And I never missed an opportunity to talk to some of the members of the casinos and the clubs and the hotels and the resorts, telling what we were trying to do. And I, in a period of a couple of years, had raised in the neighborhood of twelve thousand dollars in donations. The museum was finally dedicated on Admission Day in 1941.

I said to Mr. Donovan, when we first went into the museum and we were going down through the basement where they stored the coins and the bullion, “Bill, this would make a wonderful mine down here.”

“Why,” he said, “are you dreaming, Judge?”

I said, “Yes, you’ve got to dream to have a museum. And I’m dreaming that we’re going to have a mine here.”

I went to the mining men at the Mackay School of Mines, Jay Carpenter and Vincent

Gianella, and to my good friends, Louis Gordon and Roy Hardy; I went to Mr. John C. Kinnear at Ely, and I told them of my plans, and they said, "It's one of the most wonderful things that could happen to the mining industry of Nevada, to have a mine in that basement."

Well, we started out, and one day the major come down with three cigar boxes fastened together with plaster of Paris in them—holes poked in there. And he said, "Judge, this what you re trying to do in the basement?"

I said, "Major, were you ever in a mine?"

"I never was in a mine in my life."

"Well, you're going in one very, very soon. The meeting is recessed. Donovan, take him up to the Silver Hill and the New York and show him what a mine is."

I didn't think too much about it, but I was holding court about a week afterwards, and the phone rang. My court clerk took the phone and wrote a little note, said, "Major Fleischmann wants to talk to you. He's at the museum." It was about twenty minutes to twelve, so I excused myself to the attorneys and I called him. And he said, "I want you to come down to the museum right away. I've got Walter Dorwin Teague here, the great designer from New York. I want you to talk to him." Teague did many designs for many of the important fairs around the world.

I said, "Major, I'm holding court."

He said, "The hell with that court. I want you down here right away!"

Well, I went back and excused myself. And I said, "Gentlemen, we'll be in recess until one o'clock instead of one-thirty. I have a date down at the museum with Major Fleischmann." They said it was all right.

So I went down. He said, "Judge, I want you to get a driver and a car, and I want Mr.

Teague taken all around the state of Nevada to show him what mines are. We're going to have to have him build a model here of what we want."

So I called up Bob Allen, the state highway engineer, and asked Bob what he would do for us. And he said, "I'll certainly do it. I'll give you a driver and a car." So they took off the next day, Walter Dorwin Teague and the highway boy, driving a car. They went to Ely and Tonopah, Goldfield, Pioche, Gerlach, up north of Winnemucca to Getchell Mine. He took him to Virginia City and other places. They were back in about a week and the major called me up on a Sunday. "I want you to come down to the museum, Judge. Walter Dorwin Teague is back."

So I went down. He said, "Well, Teague, now you know what a mine is?"

"Oh, yes. I've taken dozens of photographs."

"And from those photographs and from your views down here, do you think you can build a model?"

"Yes."

"How long do you think it will take?"

"About four months with my crew."

"How much is it going to cost?"

"Between ten and twelve thousand dollars."

And I was just petrified. Here goes my money.

"Well," Major said, "get busy right away. Get busy right away." He didn't say anything about the money and where it was coming from.

So in about four months the model was completed. it was taken to Salt Lake City to the Utah State Fair, and then brought to the museum.

We had another meeting then with Walter Dorwin Teague, and the major said, "Can you duplicate this model down here in the basement, with the replica of the mine, and for how much?"

"Oh," Teague said, "take a year or two, and probably cost a hundred and fifty thousand dollars."

"Oh, dear," Major said. "Well, we'll think it over."

Fleischmann had paid for the model, see.

I went back to all of these mining men that I have told you about and told them the story. And they said, "Judge, that's ridiculous. We'll give you all of the ore out of all of the mines that you want—cinnabar, gold, silver, copper, lead, zinc—but you'll have to put it in place. We'll bring it right to the museum yard. We'll give you all the timbers, all the rails, everything that you want, but you'll have to put it together." Which was, of course, a highly technical job.

Louis Gordon and Roy Hardy both said, "I think you can do it for, oh, less than fifty thousand dollars."

So I kept talking this over and I primed Donovan eventually at one of our meetings. By the way, the major never missed a meeting of the board after he was appointed our director-general. And this particular day I had primed Bill Donovan, who had been a mining man all of his life, and still is, and his father before him. And I told him what Hardy and Louis Gordon and Kinnear and these fellows had told me. And I said, "You bring it up today—I'm going to ask you what you think this can be done for."

So after this business meeting I said, "Bill, getting back to this mine down here, it's a headache the way that Teague has explained it to us, to make a replica. What do you think about it?"

"Well," he said, "with all of the information that you have received from the mining men who know around the state—and I agree with them implicitly—I think we can do the job for less than fifty thousand dollars."

The major said, "You can? You can? Is that true? Here's thirty-five thousand dollars. Get

busy right now! Get busy right now!" Talk about a real guy!

Our director, Jim Calhoun, is a practical mining man, and Bill Donovan and Roy Hardy and Louis Gordon and Jay Carpenter and these fellows were on the job. They loaned us their chief technician from Santa Barbara. It's amazing how the ore that they brought from different mines was put back in place just as it came out of the mine. In addition to the ores and material that I have mentioned, Jack Ross, an attorney in Carson (later U. S. Judge) and a good friend, made us a present of a hoist that's in the museum. And the I. H. Kent Company furnished a carload of lumber and material, as did the Oliver Lumber Company in Carson City. Those timbers had to be reconditioned and made old. Old timbers were gathered from some of the mines in Virginia City, and it was a long process, but they're very realistic. As you walk into one of the exhibits there, where the cave in appears, the timbers have been broken down. Well, those were originally new timbers, but they were processed to make them that way.

And it was done. It took us two years to do it. The mine was opened and dedicated on October 31, 1950. And at that day, it would have done your heart good to see Major Fleischmann directing the tour of the people—and there were thousands of them—through the mine. He enjoyed that mine more than anyone else, I think, other than perhaps Donovan and I. It was a part of him. He gloried in it. And what a tribute to a wonderful philanthropist, a wonderful man!

Well, so far for the mine. It's considered to be, by experts, one of the finest exhibits of its kind in all of the United States. If you could see the comments on the registration book of the thousands of tourists that come through there, they're amazed at that mine.

It has a reputation of being absolutely one of the best in all of the country. Well, that dream come true, but there are other dreams that are not true yet.

I was always fond of wildlife. I was the first president of the Nevada Sportsmen's League. I'm a member of the Wildlife Association. And I thought it would be very nice if we started in on the exhibits of our small animals and birds and fishes, and so on, in Nevada.

There was a lady over in Fallon named Mrs. [G. C.] Mills who had made quite a collection of birds, preparing the birds, and I knew about that; I had seen them. And I said to the major one day, "I think I'll get the Fish and Game people and some of the sportsmen to kill us some birds and some small animals so that we can get started here in doing something along that line."

"Well," he said, "that wouldn't do, Judge. They don't know how to kill them for that purpose. The average hunter— why, they'd just be scarred up so that it wouldn't be worth it."

"Well," I said, "there's a lady over at Fallon that has a wonderful bird collection. I'd like to take you over and see it."

He said, "Well, all right. I'll ride over with you for the pleasure, but I suppose some amateur..."

We went over and I introduced him. And she had a room about twice as large as this den of mine, just covered with these mounted birds. And he fell in love with them. He said, "My goodness, Mrs. Mills, why don't you put these where people can see them and enjoy them? I know they have sentimental value to you, but there are so many people all over Nevada and elsewhere that would enjoy these. If you'll give them to the museum, I'll have my carpenter build cases for them."

She did. We made her, Mrs. G. C. Mills, an honorary curator of ornithology. And

from that beginning we started to build the bird collection.

The major was a great huntsman. Hunted in South Africa. We have a wonderful painting of elephant hunting that he adored (in his den in Santa Barbara) that he presented to us, as the museum went along.

He kept saying, "We'll get a preparator here, Judge. Get a preparator; you need a preparator. I'll pay for him. You get a preparator."

So we advertised in several of the museum magazines. They're hard to get. In fact, in those years they were training very, very few preparators. Finally I got a letter from a man by the name of John Holley from Phoenix, Arizona. He was out there for his health. He'd read our ad in the museum magazine and he wanted an interview. So I told him to come up. He and I and Mr. Donovan met one Sunday afternoon. He had swell qualifications. He had been the preparator in Syracuse University for many years and taught taxidermy there.

I said to him at the end of the consultation that we had, "Can you mount a burro?"

"Well," he said, "What's significant about a burro?"

I said, "I asked you if you could mount a burro."

He said, "Well, my specialties are small animals and fishes."

I said, "Do you mean to tell me, back there in the Adirondacks, that you never mounted a deer?"

"Oh, yes, occasionally, for one of the professors or something like that, but never as a business."

I said, "Well, I'll tell you about a burro. A burro is responsible for the discovery of many mining camps in the state of Nevada. He was the old prospector's friend. One particular instance is the discovery of Tonopah. Jim

Butler was prospecting in that vicinity and his burro got away from the stake, and Jim, looking around for a rock to throw at him, picked up a piece of quartz and looked at it, and it looked good to him. And he saw that it might be worthwhile. So he traced the burro down and he gathered up some of these specimens, after four or five days of digging, and took them in to Austin and had them assayed. And that led to the discovery of Tonopah. And down there they have pictures in some of the drugstores, "This is our sweetheart, the Nevada burro!"

"Well," he said, "I'll try."

I said, "Well, you're on."

I called up Lee Henderson, my friend at the Mizpah Garage. And I said, "Lee, I want you to go out and get me a nice young burro."

"You going prospecting again, Judge?"

I said, "No, I want him for the museum."

And in a few days he called up and he said, "I got a dandy for you."

So I sent Calhoun, the director, and Holley down, and they asphyxiated the burro and you can see the burro now in the mammal room of the museum. And I want to tell you that people stand there in amazement. I was standing there one day inside the doorway on my way through to go into Guild Hall, and there was a couple of young ladies standing there. I heard one of them say to the other, "Why, the thing must be alive! Look at it!" That's how perfect that mounting is. And I've been in museums almost all over the United States and in South America, and I never saw anything any better than that mounted burro.

Mr. Holley stayed with us for quite a long while, but finally his health broke down and he moved back to Phoenix for his health.

In the bird room down there, you'll find this droplight cord with a nest and this little hummingbird hanging over the top of it. We

have a breakfast nook here in our kitchen, and there is a droplight out on the back porch with a knot tied in it. Mrs. Guild and I saw a hummingbird build her nest there, morning after morning, lay her eggs and hatch her young. I sent for Jim Calhoun to come. And with a stepladder he took the whole thing down, got a new drop cord, tied the same kind of a knot in it (thinking that hummingbird would come back). It never did; it went out into the honeysuckles and built its nest. And it's never been occupied since. But that first nest is in the museum.

And then we got to thinking about fishes. The man who ran the restaurant there in Reno, the old Grand Cafe, he had in his window in the Grand restaurant a Pyramid Lake trout, one of the largest that was ever caught out of Pyramid Lake. I talked him out of it for the museum, and it's upstairs in the fish room.

From that, the beginning was made of the various fishes in Nevada, caught from many of the streams, including the trout and the mackinaw and the salmon, in the different parts of Nevada, and we have a very, very splendid fish collection.

An interesting thing about one of the exhibits—a friend named Will Reading from Wellington called, a very, very dear friend. And he said, "There is a skunk got his nest under one of our sheds out here. I wonder if you wouldn't send someone out and trap him for the museum." So we did, and we got that skunk in there.

Someone told us that in that schoolhouse that burned down over there at Franktown, there was a porcupine's nest under there. So we sent the boys over and we got that porcupine.

Some of these things were just caught accidentally. A great many of them were given to us. Our bird and animal collection

is outstandingly nice, and it's growing all the time.

Then the Indian artifacts. Sessions S. "Buck" Wheeler, who was then a member of our board of trustees, and almost an Indian himself, having been raised down around Fernley and lived amongst the Indians and loves them (and I don't blame him for it), thought that we had ought to start in on our Indian artifacts. A little bit prior to this, the Cohn Collection of the Dat-so-la-lee baskets was put on sale by the administrator of the Cohn estate, Reverend Kean, the Episcopal minister. The legislature bought them and gave half to the Historical Society and half to us. We have all of the history of Dat-so-la-lee and her weaving from the time that Abe Cohn started her in business. He used to take her to Lake Tahoe in the summertime. He had a cabin built out back of his yard, right over here on Proctor Street, where she lived. He gave her every comfort. He even took her to the St. Louis exposition to display her baskets. Of course, Cohn made money, but she never wanted for anything in all her life. We have a portfolio of newspaper clippings and pictures, about fourteen by twenty inches square and about two inches thick, of her entire history, at the museum.

I had a stepfather-in-law named William Powers in Yerington, who used to dance with Jack Wilson, Wovoka, the great Indian prophet from Nevada, who used to bring the tribesmen from Oklahoma and different places and have dances in Mason Valley. I was personally acquainted with Jack, too. And I've seen some of the dances. But my stepfather-in-law, Bill Powers, learned to talk Paiute. And Jack had given him, in his lifetime, his buckskin suit and several other very splendid articles of Indian make. Bill donated those to the museum.

Jack Wilson got his training in a peculiar way. He lived with the Wilson family, who were at the south end of Mason Valley as farmers—Joe Wilson and his wife and Billy Wilson (Joe and he owned the Nordyke flour mill) and Mack Wilson. And they were churchgoing people, and Jack, living with them, they insisted on him going to Sunday school. And he learned a great deal about the Bible and he made use of it. In one sense of the word, he was a fraud. He'd bring these people together, you know, and he'd perform miracles for them and he learned it out of things that he was taught out of the Bible. But he misconstrued the Bible in many instances. But he did a marvelous job. He did marvelous things and made quite a collection from these people that would come to visit him.

Oh, I could tell you a lot of other stories that Bill Powers and others have told me about him, but I think we ought to go on a little bit about the Indian artifacts.

Buck helped us very materially. And Peggy [Margaret] Wheat became very much interested with us and we made her a part of our group. She took tape recordings from some of the very prominent Indians out around Schurz and Fallon, at the Indian camp there, and out at Pyramid Lake.

I had a friend named Edwin Dyer, who run a grocery store (he and his brother) in Yerington for many years, and afterwards sold and moved to Fallon, where he and his friends and his wife took up ranching. And he spoke Paiute very fluently. And we have several recordings made by Peggy Wheat of his life with Paiutes. A great many of the memoirs of the leading Paiutes and some of the exhibits that he had, and that Peggy had, are in the Indian room. She took a tape recording of the building of the canoes out of willows, and of the very, very wonderful basketry that was

made by both the Washo—. Dat-sola-lee, by the way, was a Washo and not a Paiute.

Also, in the Indian collection of artifacts—I had remembered that in the capitol corridors there were two or three cases of Doctor Lee's collection. From the time that I was a boy I'd seen them, and they were finally deteriorating. There were several cases when I was a boy, and about the time we started the museum, there was only a couple of cases. I got to looking up the records, and I found out that Doctor Lee had willed his Indian artifacts and some of the Cohn collection he had to the state of Nevada, with the understanding that it would be properly displayed. And in the event that it wasn't, it was to be given to Ormsby County for display purposes.

Well, I got a brilliant thought and it worked. I went to the capital commissioners and told them that that was no place for it, it was not what it ought to be, and we'd probably save the balance. And would they pass the resolution giving it to Ormsby County so that they, in turn, could present it to the museum? And they did. of course, I was district judge then, and I made a minute order in the court proceedings that the county commissioners would have full authority under the last will and testament of Doctor Lee to present what was left of the collection to the state museum. That's how we got the Lee collection. And in that collection there are literally hundreds—literally hundreds of arrowheads of all kinds and sizes.

Our gun room is an interesting room. Most of the guns in the gun room were given to us by Major Fleischmann out of his collection. We have duel guns. And we have a gun in there that—its an amazing thing to me that anybody would ever shoot it at all. It was supposed to be used for hunting ducks and geese and been known to kill as many as

fifty to a hundred ducks or geese at one shot. So it must have been a powerful thing. I never could understand how anybody could ever hold it to his shoulder, but I understand from Major that it was loaded and then placed in a brace, and the trigger pulled after it was aimed upon a flock.

We have the Frémont cannon in there, winch was abandoned on Carson Pass by Frémont and acquired by Mr. D. L. Bliss (Will Bliss' father) of Glenbrook. Sutter's Fort people heard that he had acquired it some way or other. And that was when he run the hotel over at Tahoe City and he brought it over to Glenbrook, wrapped it in canvas and sawdust and put it under the porch. And there it was until we started the museum.

One day Will Bliss came down and he said, "Judge, how would you like to have the Frémont cannon?"

And I said, "Well, that's been lost."

He said, "Yes, but not lost forever." And he told me the story that I've just related. He said, "We'd be glad to bring it down to you."

We were afraid that the War Department would make a requisition for that thing back again. So for a long time, we put it under lock and key and chain in the exhibit there. And it's still there.

There's been some controversy over that Frémont cannon. There are some gun fanciers around who say that it really isn't. There are those who believe that the Frémont cannon was taken from the Carson Pass and brought to Virginia City, where it was for many years. But there is no authentic history on that. They did have an old cannon in Virginia City for many years and called it the Frémont cannon. But we have Will Bliss' explicit word of the history of the Frémont cannon. It was one of the employees of Mr. Bliss at Tahoe City that found it and brought it to Mr. Bliss, according

to Will Bliss' story to us. (Since then the old gentleman, Mr. Pomin at Tahoe City, has written me a confirmation of Will Bliss' story. He was at Tahoe City when the cannon was brought in.)

And then we have some guns that some of the boys brought back from World War I and II. And we have a great many of the swords that were used by some of the Army officers at Fort Churchill and in the Nevada National Guard and so on.

I think one of the most beautiful scenes that we have in the animal room is a diorama of deer. The picture was taken by Cecil Toss on the road leading from the Reno Hot Springs to the Incline road. These deer were right off that road where the picture was taken. I've been there myself and seen that scene. And, oh, it's a beautiful thing. I'm very, very proud of the dioramas in the mammal room, because some of them have a real history behind them.

One is called the desert bighorn sheep. The last Nevada stronghold of the desert bighorn sheep is in the large federal refuge in Clark County, north of Las Vegas.

I was fishing one time down below Boulder Dam with a member of the Fish and Game Commission. We went in at Willow Point in a boat and motored up to the spillway of the dam. He stopped about halfway, and here were a couple of mountain sheep, coming down these cliffs. And you wouldn't believe it unless you saw it with your own eyes; how they ever got down there, I don't know. I learned afterwards that their hooves had a little cushion of some kind that enabled them to climb those cliffs, up and down. An amazing sight, and what a beautiful sight! When I look at those dioramas in there, these things come back to me, and I guess they do a lot of other people.

One day, Mr. Wardrop appeared at the museum with carved miniature freight wagon teams like those that used to haul freight from

Elko to Tuscarora, and also a stage horse team and a saddle horse—very, very beautiful wood carving. It took him many years to do this. He was a native of Tuscarora. He brought them in to show me and wanted to know if we wouldn't want them for the museum. And I said, "We certainly would. We'll give them a very wonderful display, Mr. Wardrop."

"Well," he said, "I wouldn't like to part with the title of them, you know, but someday I want the museum to have them. I never want them to leave the state of Nevada, because I was born and raised here."

He was living in Idaho at the time he brought these to me. He spent something like eight thousand hours on this work all together, down through the years. That's some of the history of it.

He and Harvey Sewell were very, very close as boyhood friends, thought a lot of each other. So he was coming through here again to see his exhibit, and he brought Harvey Sewell over from Reno to show it to him. And Harvey just marveled at it, you know. Praised it very highly. And he told Harvey, "Now, if anything ever happens to me, I want this to go to the museum. I never want it to leave the state."

A cruel situation has appeared. He died in Phoenix, Arizona, without making a will to the museum of these wonderful carvings. So a controversy has occurred, and the attorney for the estate down there has written me for the record, and I have sent them the record, "They're on loan." But I've sent them this correspondence and his letters under his signature, that he wanted them all to stay at the museum.

And their attorney in Arizona has contacted the attorney in Reno as counsel. He is very sympathetic towards us. Well, I called up Harvey Sewell and told him about it, asking if he would be willing to make an affidavit of the conversation and so on.

He said, "Yes, I remember as if it was yesterday. My wife was present. And I'll make an affidavit of everything that he said." And he wrote me a great, big, long two-page letter. "Whenever you're ready, put it in form." And he said, "My advice is to fight it."

So I told the attorney over in Reno that we were going to fight, but I said this thought: "I don't think they have any sentiment in their hearts. All they're looking for is the dollar. They may use the appraisal that they had made here, amounting to some five or six thousand dollars, as tax exemption on the estate down there, by confirming this gift to us." And that's the last letter that went out. It taught us a lesson; we never accepted anything on loan again.

There have been so many people told me that they wanted to give me different things. Mark Bradshaw is an instance in Tonopah. Mark and I were very close friends. We were in the Western Pacific survey-location work together. He graduated from the University of Nevada and was a civil engineer, made a lot of money cleaning up the Goldfield tailings, and was a good mining man, he had many very wonderful mining specimens in his office back of the Mizpah Hotel in Tonopah. As a matter of fact, we were such good friends that he wanted to run me for governor at one time. But when I told him it was impossible, he wanted to know why, and I said it was against the Constitution. No judicial officer can run for governor during his term of office.

"Oh, my God, resign," he said, "and let's do it right."

Well, anyhow, when I would go to Tonopah to hold court, in the evening, I would go over to Mark's office, in back of the Mizpah. He showed me a large boulder of silver ore as big as this [lamp shade] here, that he had on a corner of his desk.

"You're going to have this for the museum someday."

So it got to be quite a story. One day I said to him, "Well, you better put it out in the car now, Mark. Then it will be there."

"Oh, you'll get it."

All right, Mr. C. C. Boak called me up. He was the assemblyman from Nye County, and a great friend of Mark.

"Judge, did you know that Mark Bradshaw died?"

And I said, "No."

And he said, "He left no will?" There you are again.

So I wrote his daughter all of the facts, see? And I told her that she could contact Mr. Boak for confirmation. She never answered the letter.

Another thing that happened about the sane man, C. C. Boak. He should have had his lesson. When he was in the legislature, he was so proud of our museum, having to start it. "I'm going to give you my fine mineral collection, Judge, one of these days, for that museum."

He didn't die with a will. So Bill Crowell was the attorney for the estate. They had the exhibit appraised. I've forgotten the amount of the appraisal, but it was over five thousand dollars. And I went to Harvey's and went to Mr. Forest Lovelock. He and his partner Richardson were old Tonopah people. I went over and told them about it.

And they said, "Well, let's buy it."

Mr. Richardson said, "Well, Judge, it's the holiday season. It's a bum time to ask Wingfield and Getchell and some of these other fellows for a little money. But I'll help you to collect money to buy that right after the holidays."

In the meantime, the legislature met. And a man from Yerington was in the assembly. And he had been put upon the board of

trustees of the Nevada Historical Society. And he put a bill through the legislature for the legislature to buy it for the Historical Society. And I raised hell. "You didn't give us an opportunity to buy it for the museum, where it belongs."

But we did get half of it, eventually—or a portion of it. I don't say we got half of it; we got very little of it back from the Historical Society.

The lessons that you learn are worthwhile, there's no doubt about that. But I don't think the board of trustees of the Nevada State Museum will ever take another loan. We have a form of deed now, and a form they have then sign when they bring anything in.

Oh, I'll tell you about the *Glenbrook* [engine]. I think the most photographed article in all the state of Nevada is the *Glenbrook* engine at the north yard of the Nevada State Museum. Will Bliss, again, came to me one day and he said, "Judge, how would you like to have the old *Glenbrook* engine that used to run from Glenbrook to Spooner Summit, hauling logs up when they were floated down the flume to Carson, south of Carson to the big wood yards?"

And I said, "Well, I can't ever remember of seeing it, except as a boy, when it was in operation on a narrow-gauge between Truckee and Tahoe."

"Well," he said, "when they standardized the road from Truckee into Tahoe City, they took it down to Grass Valley on that little narrow-gauge road down there. And it's down there now, pretty well dilapidated. But if you'll accept it, Sis and I will bring it up to you. And we'll try to recondition it."

And so that happened, and they brought it up on a flatcar. We had a railroad organization here in Carson City at that time. Several old railroaders, Mr. William T. Mathews, who was an ex-engineer and deputy attorney general,

and Howard Brooks, afterwards sheriff, and several other ex-railroaders, they took that job on of reconditioning that engine and getting the parts. Donovan and I went down to Grass Valley and picked up the bell and several of the other parts, the whistles and so on. And after months and months of Saturday and Sundays working on that thing, you've got something that the visitors, particularly the children, just rave over. I've seen visitors come into the museum with children. And the kids would hang back, "We want to see the engine first!" And you can look out your window any day of the year and see somebody taking a photograph of that engine. It's a beautiful historical exhibit.

Rather a funny coincidence appeared so far as the museum is concerned. We thought at one time, very early in our history, we'd like to get ahold of the V and T depot to make a transportation branch out of it and the old roundhouse. I had an interview with Duncan McLeod, who represented the Mills estate, and he gave me a price of \$15,000 on the depot. I took it up with Major Fleischmann (and he knew about these dividends and the history of the V and T) and thought maybe he'd give us the money. He said, "Judge, I wouldn't give you fifteen cents for it." tie said, "Those people made millions and millions out of the state of Nevada, and the least they could do is to give that depot to you if you want it for a museum." Previous to that they had donated Mills Park, and that's the only thing they ever did deed as a gift to the state of Nevada, and Gordon A. Sampson did most of that—he did the work on it. He was very, very helpful in convincing them that it should be donated to the city. They afterwards sold the depot. It needed a new roof. They afterwards sold it to the Masonic Lodge for \$12,000. They wanted to stick the museum for \$15,000 because they thought we could get it from Fleischmann. We

don't believe in milking the cow to death, but a great many of the people do.

They sold a great deal of the V and T equipment to the motion picture outfits down below. For a long time they made the museum a present of one of the engines, two of the coaches, and a mail car, and we had it out on part of the old sidetrack out here north of town. But vandalism took place, and the tramps set fire, accidentally, I suppose, to one of the cars. Finally, they established this Nevada Heritage Society through this dentist in Reno. That's his name? I'll think of it later. They've taken the equipment that they had out on the Airport Road here. Their idea is, if possible, to restore the railroad from Carson to Virginia City, which in my opinion is an impossibility. It would take millions of dollars to do it because the right-of-way has been taken up by private individuals; it has been abandoned by the V and T and a lot of buildings along the right-of-way all the way from Carson to the other side of Empire. The track—the old grade is washed out most of the way from the river clear on up to Mound House. But it's thought by some if they could just make a run of it from where it is out through New Empire, as a tourist attraction, it might be worthwhile. I haven't been very active in it because I don't like to get my fingers stuck into too many things. I've got all I can do to rustle for the museum.

It's interesting, how we got the *USS Nevada* silverware. It was a gift from the mine owners of the state of Nevada, and was silver out of the Tonopah mines out at Tonopah and Goldfield. It was fashioned from five thousand ounces of silver by the Black Star and Gorman people of New York and presented to the battleship *Nevada*.

The *USS Nevada* had a glorious history. Senator Oddie's niece christened it, and we have the christening bottle that she used in

the Nevada room. During World War I, the people of the state of Nevada gathered silver dollars, enough to present every member of the crew with this. A CC silver dollar in a chest. And they have the empty chest of that. And they have a large picture, when she was steaming out of Pearl Harbor. We have the ship's flag. We have the ship's roster. And when the ship was decommissioned, Senator McCarran called me up and said, "Governor Pittman has made application for the silverware of the battleship *Nevada*. What do you think about it?"

I said, "Well, it won't last very long, Pat. There's too many sticky fingers in the country."

And he said, "I agree with you, and I'll be damned if they'll have it! I'm going to put a bill through Congress that it should be presented to the Nevada State Museum." He did, and that's another beautiful gift.

Not any of this silverware is ever taken out of its vault in the museum, in the Nevada Room, except on the inauguration of every governor of the state of Nevada. We let the punch bowl and cups go out to the reception of the governor's ball, under guard of the National Guard. It's absolutely on guard. And many, many organizations, for different celebrations, have begged us to take it, but nothing doing. We know that peoples' fingers are sticky. You can put one of those cups in your pocket, or you might drop it on the floor. And so it's absolutely a policy of the museum that it never shall go out except on the inaugural balls of the governors, as they appear.

Do you wonder why, upstairs in the historical room, we have put aside a small room in memory of Pat McCarran with a life-size copy of his statue that's in the statuary hall in Washington, D. C.? A great many of his materials, his desk, hundreds of pictures, his autographs (Sister Patricia is in charge of

a great deal of it), some of it is being taken out of storage and given to the University library because Pat was a native of Nevada, having been born down the canyon and a graduate of the University of Nevada. It's proper that it should be given a special place upstairs in the museum, not only in his memory, but for the wonderful things he did for the state of Nevada and for the museum. One of the most wonderful statesmen America ever had, in my opinion.

Now, I want to tell you about the seal that's in the corridor of the entrance. A painted replica of the Great Seal of the State of Nevada is a focal point in the museum entrance hall. It was originally installed in the skylight of the House of Representatives in Washington, where it remained until the chamber was renovated in 1949. At that time it was sent to Governor Charles H. Russell and presented by him to the Nevada State Museum. On the rim is the state motto, "All for our country"; and thirty-five, instead of the correct number, thirty-six, stars, representing Nevada as the thirty-sixth state admitted to the Union, appear. Who's responsible for that mistake, no one knows. Depicted in the foreground are Nevadans mining and agricultural resources. Transportation and communication are represented in the background, where the train, the V and T, crosses the famed Crown Point trestle under a network of telegraph wires and against a background of mountains near Gold Hill.

For the anthropology department in Southern Nevada at Tule Springs, when we started it four years ago, the Wells Cargo people made a new road from the highway into the site of the archeological dig. They furnished a tank and furnished the camp with fresh water. They furnished an office in the Thunderbird Hotel. They weren't the only ones. There were many people down there that

graciously donated. The labor was donated by the labor union people down there. The gas and oil was donated by the Union Oil Company. The Boy Scouts furnished the tents. Everything was cooperative.

Hirschel Smith, a great contractor from Las Vegas, wanted to demonstrate that you didn't no longer have to dig in archeology with a whisk broom and a small shovel. He brought a piece of machinery up there that cost somewhere in the neighborhood of sixty or seventy thousand dollars, and demonstrated that you could take an inch, or a foot, of ground at one time through this plowing process and let the archeologist follow through with the whisk brooms to see if anything had been uncovered.

Ms. Calhoun and I figured out that if we had had to pay for all of the labor and material and everything that was done down there, that dig would have cost over three hundred thousand dollars. We got a grant from the National Science Foundation of forty thousand dollars to do the job, and everything else was furnished free.

So we owe a debt of gratitude to Joe Wells [of Wells Cargo]. At our meeting on June 12, 1967, we passed a resolution out of respect to his memory, which was forwarded to his wife and children and to his brother Howard in Reno.

After these twenty years of progress, we put a booklet out.* We put in all of the donors, and the cash donors and the members up to that time, and it took nine columns, single-spaced, and four and a half inches long, to list the donors that helped start that museum. And we dedicated a part of it to the old major

*See Guild papers, University of Nevada Library, Special Collections Department.

himself, with his picture in it. And there's the McCarran Room.

Maybe I should tell you about the Guild Hall. The legislature, in 1955, 1957, and 1959, appropriated approximately \$150,000 to build an annex to the Mint building with its old annex. Contributions from the Max C. Fleischmann Foundation of Nevada amounted to \$70,000, and donations from citizens and business people, \$4,000. The building was planned by the State Planning Board, and was completed and turned over to the Nevada State Museum board in June, 1959. At the time of the planning, Major Fleischmann passed to the great beyond. We had made Sarah Hamilton Fleischmann, his widow, an honorary director-general in his place. And I suggested that the Guild Hall should be made the Fleischmann Hall of Science, in memory of Major Fleischmann. She insisted that it should be called the Guild Hall.

And I said, "No, we wouldn't have had a museum without you and the major.

She said, "Tie wouldn't have had a museum at all if it hadn't been for you. And I insist that it should be named after you."

So I was outvoted. I'm very proud of it, but I'm also very humble. It was dedicated on the thirty-first of October, 1959. Presentation was made, at that time, of the bust (for which I sat) made by Ralph Rathborn Preston, the great sculptor from Altadena, California. He was a very fine friend of the Nevada Artists' Commission. He asked permission from them if he could do my bust and have it placed in the museum. They graciously consented. And that's in the hallway of the Guild Hall.

I want to say in passing that Major Fleischmann, the first couple of years, he made us a present of fifty thousand dollars worth of Standard Brands stocks with the stipulation that we were to use the dividends

or the capital as we saw fit. Well, we used the dividends to buy more stock, and he got wind of that. The second year, he gave us another fifty thousand dollars worth of preferred and common stock of Standard Brands with the same condition. And we were amazed. Our portfolio, built up from dividends on those stocks up until four years ago, amounted to over \$350,000. At that time, the Fleischmann Foundation discovered that we could no longer do that, that we had to use the dividends to help operate the museum. So they asked us to freeze our portfolio, which we did. In addition to those two gifts and other things that I have mentioned, renovations and all of that stuff, his gifts to the museum in his lifetime were better than \$300,000. And the gifts of the foundation trustees since his death have amounted to pretty near \$300,000. So you can see what I had to see at first, that we never would have had a museum without Fleischmann. I meant what I said. We wouldn't have had such a museum as we have, not without him. Maybe that's a better way to put it.

I wanted to say something about our staff. I think we have one of the finest staffs of any museum in America. When we first opened up, we had appointed a man at Major Fleischmann's suggestion. I won't mention his name because he's still alive. He's a very fine gentleman, but he didn't know too much about museums, and he got off on the wrong track on several occasions. He was replaced by another man who wanted to make a zoo in connection with the museum. And he devoted all of his thoughts to a zoo. Well, the major was very much displeased.

We had Jim Calhoun working for us when we were doing the mine. And I suggested to the major that we send him down to Santa Barbara under the director down there, Mr. Coggeshall, and their staff for a period of

time, and let him become acquainted with museum work, which he did. And we made Jim Calhoun a director. He has made a wonderful director because he has common sense; he knows how to handle people, and he has the respect of all of the rest of the crew.

We have a crew of twenty-two employees at the present time. In the administrative department I'm the general curator, and Jim, James W. Calhoun, is the director. Marian B. Shipler is the secretary and receptionist. There is also another secretary-receptionist. In the department of anthropology, Donald R. Tuohy is the curator of archeology. There is a research assistant, and there is a student trainee. In the department of natural history, Peter J. Herlan is the curator of biology. Bill O. Smith is the zoologist and preparator, and Howard Hickson, John Ivins, Judy Mathis, and Neil Millman were student trainees. We take these school children down into the shops and are training them in taxidermy and things of that kind, and they're delighted with the work.

In the department of exhibits, Howard Hickson was our curator of exhibits. Walter S. Long is our senior exhibit technician. David J. Gray is our exhibit technician, and Mrs. William Crowell, Jr. is accessions clerk. And Jane Hickson is an exhibit technician on part time.

Ernest K. Thies, up until last April, was our curator of educational aid and the guide of the museum mobile unit. Since then he has resigned. In addition to that, they have a carpenter shop; W. W. Wilson. is foreman.

We have a custodial crew: Byron L. Payne, general mechanic; J. C. Atcheson, building custodian; Jewell Martin, janitor-watchman; Truman Lee, janitor-watchman; Lillian Mitchell, the receptionist; Ernest Barrier, security guard; and Cedric E. Steward, security guard.

Then we have in field work, on different trips in archeology and anthropology, doing digs, different employees and different students on part time. I shan't mention them at the present time, but I want to say that I'm real proud—and so are the rest of the trustees—of our crew. There are twenty-two employees. Our payroll is in the neighborhood of a hundred and seventy-five to two hundred thousand dollars a year. Twenty-seven to thirty percent of that is paid by the legislature. The rest is paid by grants, memberships, donations, and grants by the Fleischmann Foundation of Nevada.

Sometimes I think it's pitiful. I could sit down and cry bitter tears at the small help that we get from our state legislature. I realize the plight that they're in on schools and universities and other things, but I think it's wrong that we should be at the small end of the totem pole when we have an institution that brings in to the state of Nevada over three hundred and twenty-five to three hundred and fifty thousand visitors each year from all over the United States and foreign countries. I presume, and truthfully can say, it's the finest tourist attraction in northern Nevada, perhaps outside of Lake Tahoe and our university and capitol, itself. In addition to that, there's the wonderful educational work that we're doing in training students, in taking the trailer to the high schools of the state of Nevada.

I think one of the finest things we do at the museum is our educational program of taking the mobile unit to all of the high schools and grammar schools of Nevada each year. We inaugurated this system some years ago and are now in our tenth year. The trailer is taken down after its visit to the schools and changed every year. Nothing is the same in each year following. In this last year, as an example, the blue trailer (as we call it) housed ten exhibits, "Adventures in Archeology." And it made its

regular annual trip to the northern Nevada schools in October, November, and December of 1966. It was taken to the southern Nevada schools the first part of this year and then returned to the museum, where it's being changed over for a special trip to the usual fair in Reno and rodeo in June, and perhaps to Winnemucca and Elko also, to their state fairs.

This last year it contained Indian cradle boards, hats, quivers, as well as baskets made of willows, porcupine quills, grass, feathers, birch bark, a Mexican basket over two hundred years old, another which contains 37,700 stitches (it took three months to weave that particular basket). Other exhibits show artifacts from ten to fifteen thousand years old from the museum's famous Falcon Hill dig at Winnemucca dry lake. And that dig will be in publication sometime in the next month or two, and so will the Tule Springs dig. It's just now being edited for publication. It'll contain three volumes.

This exhibit of this last year contained mammoth teeth and tusks from the Tule Springs dig, the materials from the Lost City, samples of early-day weapons and tools. The mobile unit to the schools of Nevada has taken its place in the Nevada school system and is acclaimed by the educators as a valuable teaching adjunct. And the rest of our schools show enthusiastic delight over it.

The first year that we took it out, I went with it. We took animals that year—small animals. Sessions S. "Buck" Wheeler is quite a naturalist, too. He had told me a story sometimes during our conversation of the faith of the male coyote, being the head of the family, and how faithful he was to his wife and how he gathered the food while she was having her baby coyotes, and so on. Well, I got to telling some of these stories to these kids as they'd go through and see this coyote. You talk about the kick they'd get out of it—they'd

look at me in astonishment and I'd say, "It's the only animal I know anything about that has such a loving and kindly disposition. You never heard of a divorce in the coyote family, never in your life. He is the faithful father and husband, and always will be." And these were technically correct, these little stories that I'd tell.

We performed a great archeology feat down at Pyramid Lake. It took a couple of years to do it under the direction of Donald Tuohy and his crew. It was completed in the latter part of 1966. This dig came about this early in the game by reason of the fact that some of our friends, the Paiutes down there, and others., found that some of the caves that some of these artifacts and things were in were being entered and vandals were destroying them and helping themselves. Buck Wheeler found out about it, and being very close to the entire situation, suggested that the Max Fleischmann Foundation would give us a start to excavate at the Pyramid Lake site. They granted forty thousand dollars. And we got special permission from the Paiute Indian Tribal Council.

Much interesting material was found and is now being cataloged. Mr. Tuohy believes that the results will make it possible to determine when the Paiutes came to the Lake and to verify the commonly accepted date of around A.D. 1400, because we've traced particular artifacts from the Falcon Cave at dry Lake Winnemucca to compare to the artifacts on the Pacific Coast in Washington and Oregon. So they must have come across in those days prior to the time of the advent of the Paiutes and the Washo Indians in about 1400.

This dig was north of the reservation, at the north end of the lake—on the north end of the pyramid. It will be interesting, too, when the material is classified. And we have yet

two or three other places to dig there. They're being very carefully watched. And by the way, we employed quite a few Indians on that, to their pleasure. We had Avery Winnemucca out there as our cook. And he delighted in it. And we had a lot of Indians working under him on that particular dig.

I mentioned a while ago about the state legislature. For a long time we've been coaxed to establish a brand new museum at Henderson and another one at Elko. And we've been willing to help because the mayor of Henderson, together with the head of the large plant down there, come up to visit with us and go through our museum. They haven't a building down there yet, but as soon as they get a building, why, they want help, and we're very glad to help. They have finished the building at Elko. Dr. Thomas H. Gallagher is one of our trustees from Elko and also the president of the Northeastern Nevada Historical Society. He has been down to go through the museum. They want help, and we promised to give it to them. As a matter of fact, we set up a museum meeting with them, tentatively, with our board of trustees immediately following the adjournment of the legislature. But we found ourselves confounded with so much work that we put it off until after the first of June and we temporarily arranged a meeting for this next weekend, but we found out that Tommy Wilson and Norman Brown and some of the others couldn't go, so we rescheduled it yesterday at our board meeting for the second week in July, July fourteenth and fifteenth, sixteenth. And Jim [Calhoun] was to phone Gallagher and let him know about it. Now, the reason I brought it up at this time: I thought our authority perhaps might be questioned.

We have, under the broad authority of the museum, authority to place exhibits

anywhere in the state of Nevada, or elsewhere, at the discretion of the board of trustees. That's firm authority. Then I thought maybe the legislature would get to questioning it, so I put in a bill permitting the board of trustees to increase the board of trustees to fifteen and permitting us to have branch museums at Elko and at Henderson. No money involved. It passed the assembly ways and means committee. It went to the senate, was first referred to the city, county and state affairs committee, approved; sent to the finance committee. It passed the finance committee and was approved. Then the next day somebody in the finance committee called it back with the shout, "Hell, let's get that thing off the board! They'll be back here next year for all of the damn money in the treasury, establishing museum branches all over the state of Nevada!"

Do you see how your legislature works? Mr. James I. Gibson is on the senate finance committee, and he's from Henderson, Nevada. And Mr. Roy Young is on the senate finance committee, and he's from Elko County. And they were both thoroughly informed of our intention, as were the committees. I appeared before the committees that they were on. And Norman D. Glaser, who was chairman of the ways and means committee of the house, had no trouble at all putting it through the house. It makes you a little mad sometimes.

I had something wrote out the other day and I showed it to Jim, about getting out our annual report. He said, "Now, Judge, that isn't you." He said, "I'll bet you a dollar bill that you don't dictate that and put it in the report. You'll count ten." I want to read what I said—left out:

The last Nevada legislature, and also the building and grounds, left us out completely. We usually make

a request for repairs to the building and grounds committee. And they, in turn, do the repairs. We have a leaky roof at this time and we have made application to them, and in the meantime, the legislature changed the act on the building and grounds and we knew nothing about it until after the legislature adjourned and we made our application to the building and grounds.

The legislature changed the act on building and grounds authority. The museum and all the agencies must now do the work themselves and put it in their own budget. How could we get it into a budget for '66, '67, '68 when the budget is already in the legislature and approved? So we're out in left field there.

We then presented a bill to the legislature, changing our personnel. We wanted two members of the personnel taken from the classified service and put in the unclassified service because the state, in its budget, is directed only to allow salaries for the two technicians who are in the unclassified service.

We wanted to put two more of them in there so we could raise the ante. It went through the house all right; they understood it. They killed it over in the senate. "More money," they said. "They'll be back for more money. All they want to do is to put two more people on us." Why shouldn't we put two more people on it? Out of twenty-two, they only pay five or six. Five or six! They pay the custodians, the director, one receptionist-secretary, and the curator of biology. That's all they pay. We pay all the technicians and

everything else. They're afraid we're coming back after more money!

Jim said, "I'll bet you change that."

I said, "I'll tone it down, but I'm going to get to the point just the same, Jim. Don't worry."

It's not independence. It's a—sometimes I feel that it's a lack of—they don't understand what we're doing for schools, for education, for tourism. Three hundred and twenty-five to three hundred and fifty thousand visitors a year in this area go to Silver City, to Lake Tahoe, to Reno, and so on. Many of them stay here. The butcher, the baker, candlestick maker—all get the results of it. I've seen them come into the museum and go across to the Nugget by the bus load. I don't get mad, but I get a little bit put out. I just think we're treated unfair.

I'll go back a bit and tell a little bit about getting that first bill through the legislature for the establishment of the museum. When we put in the first bill to the legislature, to establish the state museum, I think we got the support of every newspaper in the state of Nevada. Joe McDonald called me up at the time and he said, "Clark, get out an ad and send it to me, and I'll take it up with the newspapers! 'Send your donations to Judge Guild at Carson City to help renovate the old Mint building for a Nevada state museum. We're putting the bill through the legislature. Get your legislators on the ball.'" (I got a copy of that here someplace.) Every newspaper in the state of Nevada printed that ad. And I want to tell you that it's gratifying to note that I don't know that we had any opposition at all in putting that bill through the legislature.

The only opposition we had was to get an appropriation for more than the five thousand dollars. And that's a funny story. Some of the finest friends I had in all the legislature were on the senate finance committee. Johnny

Miller from Mineral County, Noble Getchell and Tracy Fairchild, and Bill Dressler. Well, we had no heating system up there. They're all those old stoves—wooden stoves. So I got an estimate on putting in a furnace of about six thousand dollars and put in a separate bill, other than the purchase bill, to put in a furnace. They turned it down. I went before them and told them how serious it was. I said, "People can't work in there comfortably, and the night watchman has to have something more than a little old wooden stove."

And old Bill Dressler—I can see him to this day—said, "No, we'll wait till you get started, Judge."

So I said to Bill Donovan, "Go down there some night when they're about to adjourn and take them over to the Capitol and load them up with two or three highballs, and then take them up to the museum and show them how cold it is."

And Bill did.

So I appeared before them again, two or three days afterwards, "Won't you please help us out, gentlemen?"

Old Bill Dressler said, "I'll give you a thousand dollars out of my own pocket to start on, and you go out and rustle some more. I don't believe we should go this fast, Judge. I want to help you. I'll give you a thousand dollars." And he did. He wrote a check for a thousand dollars. And I went over to the casinos, you know, the clubs, and got the rest to put in the furnace so the state didn't have to buy it. But incidentally, that's how tight they were, and how gratifying it is to know that they were all for the museum! But by golly, they wanted to watch those dollars from then on out. Yessiree.

They were the greatest bunch of friends I ever had in the legislature. I knew them all, every one of them, personally. Lord, I clerked in the store for Johnny Miller at one

time when he run the Adams and Miller store at Mina (moved it to Mina after the shops moved from Hawthorne to Mina.) Noble Getchell was a great friend. When I run for the supreme court bench, Noble was operating the Betty O'Neal mine out of Battle Mountain. He called all the boys together at lunch time and he said, "I just want you to listen to me for about five minutes. You'll vote for whomever you please. I'm not telling you who to vote for. But you'd do me a great favor if you vote for Judge Guild. I've known him. I've watched his career, and he'll make a wonderful supreme court judge." I got every vote but one at the Betty O'Neal mine. Those are the kind of friends those guys were. Senator Bill Dressler worked his heart out for me to be on the supreme court bench.

We didn't have too rough a time. I told the board of trustees at the museum yesterday that this [last session] is the first time that I ever considered that I've batted zero with the legislature. And we've always given them fine praise in every report that we ever put out. I give you an example of it:

The very fine financial cooperation and financial aid received from our state legislature, our state planning board, the Nevada Fish and Game Department, the U. S. Wildlife Service, the Department of Buildings and Grounds, the Nevada State Prison, the banks, clubs, attorneys, doctors, businessmen and firms, mining companies, hotels, casinos, motels, and the generous grant from the Major Max C. Fleischmann Foundation in his lifetime, and the Foundation in Nevada since his death have very vitally contributed to our growth and are so very, very gratefully received.

I'd mentioned something on that order on every annual report, so I haven't taken a bite at them.

Why do I think they were uncooperative this time? Oh, I think they're all confused. Look how they're all fighting amongst themselves over the north and south. Look how they tried to fight against the University of Nevada starting that medical center, even after getting the grant from Howard Hughes. Then they wanted to move it to Las Vegas. A great deal of this, in my opinion, was some of the new boys who were getting acquainted, and they were careful. And it's been said up there by many who watched them that this new blood was more conservative and knew more about what was going on than some of the old-timers who were fighting all the time. I think the reapportionment had a lot to do with it. I think it was the basis of it.

Here's something nice that goes on every Sunday, and has been going on for over five years. The Cash Mercantile Company of Carson City and the Minden Dry Goods Company of Minden have for years sponsored a Sunday noon radio program on KPTL, featuring some certain exhibit in "Your Nevada State Museum." And it starts out: "The wonder of the West, the history of Nevada, is written for you to see in your Nevada State Museum." And then they'll pick out one exhibit and tell the whole story about it. It's been going on for years at no expense to us. I never miss it. I wrote some of them, by golly, at the beginning. Now they write their own. Lon Wright at KPTL comes up there and picks out something and writes it himself, and tries to surprise us at the museum with what they're going to put in. (This program is now sponsored by Dick's Service Station on South Carson Street opposite Gray Reid's, and the radio station is now KRWL Carson.)

I'd like to give a summary of what this really means to me as a person, as a participant. I think I should like to tell a story that I've remembered for many years: There was a big meeting at Deerborn, Michigan between Henry Ford, Mr. Firestone, and Thomas Edison some years back. They were meeting socially and exchanging ideas of inventions in business (among other things), and a reporter went up to Tom Edison during the recess and he said, "Mr. Edison, what would you consider to be your greatest achievement in life?" Now, undoubtedly, that reporter expected him to mention some invention, the electric light, the telegraph, and many hundreds and hundreds of inventions that he made. Edison looked at him and he said, "I've given that a lot of thought. I think the greatest achievement that I ever made in life was to have made and kept friends."

I'd repeat that about the museum. I'd repeat that about my life. I made friends from the very beginning at that museum. I have no personal aggrandizement about it. I'm a native Nevadan. I love my state; I love every inch of it. My father and mother emigrated here. They raised a large family here. I was treated kindly all through life by my friends and by people, particularly after I become a cripple. Nothing was too good for me that I aspired to in public life. Why shouldn't I repay them with all the energy and all the power that I have in my soul and in my heart? Next to my family, my friends are the greatest achievement I ever made. And I tell you, they're staying with me through thick and thin with this museum. Now, the credit is theirs, perhaps together with mine.

THE COIN PRESS AT THE CC MINT

It might be of interest to you while we were talking about the museum to give you

something of the coinage that was made there during the years of its operation from 1870 to 1893. The coinage discontinued from 1886 through 1888.

The amount of gold coinage was \$23,829,425, and the amount of the silver coinage was \$25,445,009.30. There was a total of 215,000 pieces minted in 1870; 545,523 in 1871; 876,725 in 1872; 833,274 in 1873; and 3,979,141 in 1874; 4,963,168 in 1875; and 6,402,215 pieces in 1876. Then it dropped down a little to 3,990,000 in 1877; 2,950,000 in 1878; 1,874,000; 185,000 in 1879.

When it resumed operations in 1879, it didn't coin any dimes or quarters or twenty-cent pieces or half dollars or trade dollars after that date. It only coined double eagles, half eagles, and dollars. It's interesting from a statistical point of view.

While we're on that subject, we loaned the old No. 5 press that turned out all of these coins at the CC Mint in Carson City to the Treasury Department because they were short of presses. Back three or four years ago, Eva Adams come to us and wanted to know if she couldn't borrow the press if it could be found in workable condition. I said, "Yes, conditioned that the first hundred dollars that you turn out in silver dollars comes back to the museum."

She said, "I'll work on that with all my heart."

You know, she's a Nevada girl, having been born in Nevada. Well, anyhow, she sent two people up here from San Francisco. One of them had worked on the press in San Francisco. And after taking it apart all day, they called me in late in the afternoon.

They said, "Judge, the press is in perfect condition, all except the component parts, which are in Philadelphia." And he said, "We intend to call Eva up so that she might make arrangements to take it back right away."

Well, he called Eva, and Eva called me, and I said, "Well, I have one request to make. Wells Cargo went to San Francisco and Oakland and brought that press back free of charge, after we acquired it from the Treasury Department. And I feel that as long as the Treasury can afford to transport that press, they ought to have the job."

And she said, "It will be done."

I was thinking about that when Joe Wells passed away the other day. We made him an honorary member of the museum on account of his graciousness and kindness to the museum, not only then, but in years afterwards, bringing the press up. William Peccole of Las Vegas was appointed in Joe Wells' place after he died.

Now, I'll tell you about the coin press coming home. The coin press has served well in the emergency at the Denver Mint and has coined literally millions of dimes, pennies, nickels, and quarters. And now that they've caught up, and that new press is built, they're bringing the coin press back to us about the middle of this month [June, 1967]. And we're going to have quite a little exercise again, and Eva will be present sometime about the middle of July, thanking us for it and presenting a plaque to us.

Incidentally, on that issue, I wrote Eva some time ago (in a joking manner) that since they weren't paying any rent for old No. 5 and it was doing heroic and patriotic work, they at least ought to give us some of those silver dollars that are stashed away with the "CC" mark in the Treasury, as rental. I never got an answer from that one, but I kidded her when she was out Memorial Day. I said, "Eva, I didn't believe that you'd turn me down."

She said, "I never will. I love you." And so I get to propose—. But never say quit.

There was a bill introduced about a year ago in Congress by Patman from Arizona to

give the silver dollars, including about ten million of them that were minted in Carson City with the "CC" on them, to the Heart Fund and the Cancer Fund. Quite a storm went up at the time, singling out those two organizations. There were other organizations that wished to participate, too. Well, I did, too. I thought the Nevada State Museum should. So I wrote to the Congressman, to Baring (this was in the House, this Patman bill), suggesting that we have at least five thousand of them as rent for old No. 5. He did put in an amendment, but the bill went by the wayside.

About a month ago, it was reintroduced, almost in the same form. And Baring wrote me a letter and told me about it, and he said, "I've introduced the amendment all over again, too." So I wrote and told him to change the amendment. As far as we were concerned, we wanted ten thousand of them, and we would pay for them, and then we'd sell them at a profit so nobody would be hurt. I'm satisfied he will, because I sent a copy to Bible and Cannon and I got a reply from Cannon, and he's all for it. Bible was out here for Memorial Day and hadn't received the letter yet. So it don't pay to quit. You get it in your mind and keep it there until it's finalized.

SOME OF MY FAVORITE STORIES

There was a saloon in Yerington run by a man by the name of William McTaggart. It's the only saloon that I can remember in all my life, and I've been in lots of them, where a man under the influence of liquor couldn't get a drink for all the money he wanted to put on the bar. McTaggart just wouldn't tolerate them. He had billiard tables and pool tables in there, where these old-timers used to play billiards and pool and solo as a pastime..

John B. Gallagher, a successful rancher, and old Mr. Sam Houston, a surveyor and an old-time Mason Valley bachelor, would usually tie up their gigs out on the old hitching rack, and you could hear them talk all over Yerington, pretty near. And along about eleven o'clock Houston would say, "John, let's go in and get a little squizzle." (A squizzle was a little noon toddy and a drink in at McTaggart's.)

To show you the opposite of that, there was a man, a very important man (I don't think I'd better mention his name), who was the deputy sheriff, and he used to drink

a little bit. And on his way home (he was a married man) he stopped into McTaggart's and thought he would get another drink. He'd had a few before then, probably. McTaggart was behind the bar, and George called two or three fellows up to take a drink. McTaggart asked what they'd have, and they wanted a glass of beer. And George said to McTaggart, "Make me a good, big, strong doubleshot highball with water."

McTaggart says, "I can't do it, George."

"What's that?"

"I can't do it. You've had plenty. Go on home."

"You mean to tell me you won't give me, the deputy sheriff, a drink when I'm paying for it?"

"I mean that your money is just no good to me in your condition. You can go home and I don't want your money."

Now, that's the kind of saloon that old gentleman run, and everybody in the country admired him. They went in there for pastime, these old-timers, and he didn't propose to let those old-timers be disturbed

by a drunk. You couldn't get a drink in there if you were drunk. No sir. And he'd serve these old-timers a toddy or two, or a glass of beer, or a lemonade, because those old fellows never got drunk. I never saw one of them drunk in my life. Old Billy LaRue, and John Gallagher, and Henry Wood, and old man Sam Houston, and Angus McLeod. Old Angus McLeod was the only one that never used to hang out there very much. Old Angus used to go to town, and he had a horse named Molly, and he'd get pretty well loaded, and he'd turn Molly loose and she'd take him home—you know, in a buckboard.

I was a great friend of the McLeods—Neil and I roomed together, we were chums, and Mason was one of my deputy recorders at one time. And when I was on those surveys out on those ranches, I become very well acquainted with them and I stayed there a lot and learned to ride horseback and everything else. When I run for recorder, it was Neil who hooked up the horse and buggy and said, "It's yours, and drive all over this valley and Smith, too, as long as you want it."

Well, I was there one night, when Ang McLeod, Jr. came home. Old Molly forded the river. The river was down that time of the year, and she stopped out by the old tree, where she was used to. They were at the dinner table. There was a man in Mason named John Moore, and he and Ang were great friends and they used to meet at the Owl Saloon and have a few drinks. (Moore's son, Roxie, was a great friend of mine. He was in World War I, and his sister is a member of the state museum, lives in California.) Well, anyhow, young Ang McLeod was quite a joker, and old Ang come in and set down at the table and said, "Molly, Molly, I've been having a visit and lunch with Johnny Moore."

Young Ang spoke up and said, "You mean Jesse Moore." (Jesse Moore was a brand of whiskey in those days, a very popular brand.) "You mean Jesse Moore, don't you, Dad?"

"I was addressing your mother. Children should be seen and not heard until they're called on." And they went on with the meal in silence. Oh, he was a corker!

He wanted to adopt me one time because I was there so much. "Clark, you're a fine boy and I love you just like my own sons and I'd like to adopt you."

And I said, "Would I have to change my name?"

He said, "Oh, yes, you'll be a McLeod."

And I said, "Well, I love my father and mother, too, and the name Guild is good enough for me."

I'll tell you about his memory. He was practically blind in his latter years. He sent for me to draw his will, and I went over to the house, and he told me what he wanted. He wanted to dispose of the Woodcock ranch, particularly, and described it to his wife, and he said, "You can get the description out of the deed of record." Then he told me what else he wanted divided amongst his children and so on, in equal portions and shares. I went back and looked up the record in the recorder's office, and the deed (I was then district attorney)—I copied a forty acre wrong. I made it the southwest corner of the southeast instead of the southeast of the southwest. I took this will over to him to read to him before he signed it. When he got down to describing this Woodcock ranch, he said, "Wait a minute, Clark. Read it again."

And I read it again.

"There's a mistake. You said the southwest of the southeast. It should be the southeast of the southwest of the quarter," and so on.

I said, "I don't think so, Mr. McLeod, but I'll go back and change it."

He was as *right* as anything you ever saw in your life.

* * * * *

When they put the eighth and the first judicial districts together, that threw Churchill and Lyon County, which was in the eighth district, into Storey, Ormsby, and Douglas, the first district, and that pitted Judge George A. Ballard and I as opponents. I was elected because my three counties had more votes, but at that, Ballard only carried Storey County. Well, anyhow, they had a large judge's chair, what we call the judge's bench—the forum. And I never noticed it being missed, and when I took over and was presiding in court, they had one of these barroom chairs out there on the bench, and I didn't pay much attention to it. So it went on, and I'd been here a few times holding court, and this particular day I went into the men's room, and I had to go through the sheriff's office to get there. And there was Joe Stern, the sheriff and my bailiff, tipping back in this judge's chair. I looked at him and said, "Where did you get that chair, Joe?"

"Why," he said, "Judge Ballard made me a present of it."

And I said, "The hell he did. He had a lot to do."

I said no more, but I called up Sam Armanko in Reno, and I said, "Sam, get me one of the finest judge's chairs for the judge's bench in Carson City that money can buy, and bring it over here, and put your bill in to Ormsby County." And he did, and it's a lalapalooza—it's a beautiful thing. Well, the bill went before the county commissioners and they were tightwads and good men—Mr. Pete Crowe, and Mr. Joseph Dougherty and Archie Pozzi, Sr. And they come up to chambers to talk to me about this bill.

"Judge, you didn't ask our permission."

I said, "I don't have to ask your permission. You go on and ask your sheriff, my bailiff, for an explanation, but I'll give it to you. He helped himself to the judge's chair, so I ordered another one, and you pay the bill."

And they laughed like hell. They said, "Joe did that?"

And I said, "Joe did that. Let him apologize to you. I'm not apologizing to you." Think of a bailiff playing a trick like that on the judge, and we were the best of friends. Old Joe, why, gosh darn it, I could walk on him or he could walk on me—we were close friends for years and years and lodge members—sitting back there enjoying himself.

There's George Gunzendorfer and Morley Griswold, Gray Mashburn and Jack Diskin. Gray was his deputy. A fine old bunch of men—Prince Hawkins, George Sanford—Prince and H. R. Cooke were lawyers. I mean by that they were *good* lawyers, but they were both hot-headed and they would go at each other.

I'll never forget one time when Walter Rowson was one of the finest lawyers that I ever saw in Nevada. He was a second Eddie Lunsford—always a gentleman—and a great mining lawyer, one time a partner of Cooke's in Tonopah, and a partner of Judge George S. Brown, who was out there at one time. It was shortly after I retired, he and I were trying a mining case before Judge W. D. Hatton in Hawthorne, and I hadn't been off the bench more than six months. Walter was the attorney on the other side, a fine mining lawyer, but tenacious. Oh, boy—just cross-examine, cross-examine, and, of course, I was objecting, objecting, objecting, and finally, Judge Hatton looked down at me and he said, "You want to rule on this one, Judge?"

Well, we both burst out a-laughing. He was so fine. He rode back to Reno with me. Do

you think we talked about that case? No, sir, neither going nor coming. He rode down with me and he rode back with me—didn't discuss the case. We discussed about everything we could think of, but not the case. He finally settled the darned case after it had been argued and everything else, and submitted it. But, oh, he was such a gentleman, such a wonderful man.

* * * * *

Pete Hendricks was a fanner. He was a member of the Assembly. He was born and raised in Gold Hill, and he had a ranch down in the Miesner District and his family was raised there. Pete had a sort of a twang to him, and one of the keenest senses of humor that I ever saw a man of a farm ever have, particularly since he wasn't from a humorous country—I mean Gold Hill, a mining district.

I had a contested divorce case where the lady was suing for separate maintenance and the man was suing for a direct divorce. Gray Mashburn represented the lady and Bill Kearney the gentleman. They demanded a jury trial, and they were examining the jurors on their *voir dire*. Now, that was shortly after the national law went into effect on the hiring of minors, and it was after the prohibition law, remember that. They were rather new, both of those laws, at that time. Also, it was in my early stages of being a judge.

Mashburn asked Pete Hendricks the question if he would have any bias or prejudice against the defendant (the plaintiff in the action was the woman, asking for separate maintenance) if the plaintiff should testify, and if the evidence should be in favor of the plaintiff, as to whether or not she should receive a decree of separate maintenance. Before he could be shut off at all, he said, "It

would for a fact," he said. "First they took our whiskey away from us, then they took our children away from us, and now they want to take our women away from us."

I couldn't stop him.

"You're excused, Mr. Hendricks. You're excused. And ladies and gentlemen of the venire, you mustn't pay any attention to the remarks made by Mr. Hendricks."

Old Pete stuck around till after recess, and he said, "That in hell did I do wrong, Judge?"

And I said, "Pete, you know you just can't express your opinion as you did. If you're asked to give a reason, why, you might have said some of the things you did, but you could have said 'Yes' or 'No.'"

He said, "I never thought about it. I was just thinking about what a terrible thing they've done to us back there in Washington."

So I said, "Nell, you had ought to put it off for a while. Count ten before you speak sometimes." I got to calling him "Ben Puttin' it Off," just as a joke. And there was some magazine come out—I can't think of the name of it to save my life—but it had a story in it every month of "Ben Puttin' it Off," what Ben Puttin' it Off had been doing—and that's how I got the idea of calling Pete "Ben Puttin' it Off." I never saved one of those magazines, and I can't for the life of me remember what that was, but I took that thing for a year, and sent every copy of it to Pete after I read it—old "Ben Puttin' it Off." Oh, boy, he was good!

* * * * *

I knew Jack Wilson, a Paiute Indian, as a very young man, particularly when I was on those survey crews in Mason Valley, because we camped at each ranch that we were surveying, Mr. William Coleman and I. We camped at the Wilson ranch. The Wilsons—

David Wilson first settled in Pine Grove, and his sons, J. I. and Bill and Mack all moved to Mason Valley and took up ranches in what we called the Plummer district.

Jack Wilson, a Paiute Indian, took up his residence with the Wilson family. They were quite religious and they made Jack go to Sunday school, and he learned a great deal about the Bible, and he was a good Indian dancer. They had many different kinds of dances. His reputation got out some way or other to the Oklahoma and to the Dakota Indians and they used to come to visit him. And he'd pull these gags on them that he was calling the spirits out, and so on, and they'd bring him presents.

My wife's stepfather, Bill Powers, could talk Paiute and used to dance with Jack. And Jack made him a present of a buckskin suit that one of these Indians had brought him from the plains.

A man by the name of Ed Dyer, who lived in Yerington and run a store, was a great friend of Paiutes, could speak Paiute, and he did a lot of business with them—and they were fond of him, and he of them. (Afterwards, Dyer moved to Fallon, where his oldest son, Edward, was head of the Carson-Truckee Irrigation District for many years, just retired a year or two ago, and the other son has a ranch there—the other two sons now dead.) Well, anyhow, Ed Dyer also could talk Paiute, as could Bill Powers, and they always attended these dances, and I had occasion to attend one or two of them, just as a spectator. It was quite a sight to see—they were serious in their dancing, and they were good dancers, light on their feet and kept good time.

By the way, the suit that he gave Bill, Bill gave to his son, Jack, my brother-in-law. Before he died, he gave it to Jack, and then Jack brought it to the museum, and we have

it in the Jack Wilson Wovoka case there at the museum. It's one that was given to him, and he wore it. We have a lot of other things of his there at the museum.

The story was that one of these few groups of people to come from Oklahoma, or someplace, to this ranch at the mouth of Wilson Canyon, the Mack Wilson ranch, and the river froze over, and some way or other, Jack had schemed around where he had tied some catfish to a string in an opening of the place where this was froze over. And then he gave them a demonstration of how the spirits would help him fish. I don't remember—Bill told me—he had these fastened to a wire loop some way so that when he'd put his pole down with a hook, he could just take one up at a time, and he had these Indians just mystified, see? Talking Paiute all the time, and singing, see, and making them a present of the fish. He had about a dozen of them. Well, they just thought that was the most wonderful thing in the world. They believed it—they didn't investigate that thing, you know; they had faith in Jack. Me did things like that—similar to that to these people that come and visited him. They loaded him down with bead presents and everything you could think of. I don't suppose there was an Indian in the United States as popular as he was. He wasn't a fighting Indian; he was one of these preaching Indians.

* * * * *

Did I ever tell you that Brewster Adams married the children's mother and I? Brewster Adams of the Baptist Church in Reno. He was a real wit, you know; he had a very keen sense of humor. I'd go to Reno, and many times Virgie, Virginia, would go with me. He'd meet us on the street or maybe at dinner, and come

up to Virgie, “Will you ever forgive me for what I did?”—and that grin of his.

He had a place up to Twin Lakes, up the other side of Bridgeport, a summer home, and when he didn’t use it, I used to go up and stay at his cabin, fishing. Oh, he was a great guy and a wonderful friend.

Here’s a piece that I cut out in February, 1941. He used to write that article, “Values in the Rough.” Oh, they were wonderful!

I find that the government has depreciated the wife from \$2,500 to \$2,000. That won’t make any difference with we men. Gold is appraised at \$35 an ounce, yet if you allow for the thick and thin, a woman is only worth her weight at less than a dollar an ounce. She used to be par in gold.

Oh, he was a kick!

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Empire was quite a society center. I mean by that they had dances there every—once a week, and a lot of the Dayton people always attended those dances. Professor E. E. Roberts, who was afterwards the mayor of Reno and congressman for the state of Nevada, taught school in Empire. So did Sardis Summerfield. Yes, indeed. Sardis used to come into the chambers in Reno and visit with me when I was there holding court for Moran. I remember a peculiar incident that happened one time. I think this is worth telling. He’s gone, and so are the other characters.

I was hearing a demurrer, sitting in for Judge Moran at the time. Lester Summerfield was district attorney. A man by the name of Frame, Jim Frame, a very brilliant lawyer, but

very nearsighted—almost blind, as a matter of fact, had a partner, Furi Raffetto. Furi had worked his way up from a fruit stand to be a lawyer and he was an honest gentleman. So in looking up decisions, Jim Prairie used to have Furi read him the decisions of the higher courts. Well, we heard this argument there, took the morning recess. Sardis Summerfield was in chambers at the time and Lester and Jim Frame come in; Furi wasn’t along. And Lester said, “Jim, you made an awful blunder somewhere along the line. The decision that you cited to Judge Guild is just right up my alley, and I have in my brief here the sane decision that I rely on and my points of authority.”

And he said, “Lester, by God, I can’t *see* to read and Furi *can’t* read.”

And old Sardis Summerfield (Lester’s father) said, “He told the whole truth and nothing but the truth.”

Characters. Those things come back to you once in a while. I get a chuckle out of them.

* * * * *

On the V and T transfer at Mound House, cattle had a sort of a prime movement over any other kind of freight. There was a lot of whiskey and beer piled up in barrels and cases, and someone in Tonopah in the saloon business conceived the idea of buying a cow’ and a calf and chartering a cattle car to take it to Tonopah—that was first class. So he did, and he tilled the rest of the car up with this whiskey and beer, and he got it into Tonopah. Well, they didn’t discover the error until he commenced to unload. He put curtains up along the side of the car—you know, those cattle cars are open, and he put curtains up, and he said, “I want to shade the sun and the wind or the weather from my cow and calf.”

He put it over on them. I can't tell you just who that was, but it was somebody in the saloon business in Tonopah. It might have been the one who run the Northern—the Northern, or the Mizpah, or Zeb Kendall's. What's his name who run the Northern there? Afterwards he run the Northern in Ely—Tex Rickard. Tex Rickard had an interest in Tonopah and also in Goldfield. He's the one that staged the Nelson-Gans fight. He afterwards moved to Ely where he operated the Northern Hotel there.

* * * * *

Andy Haight got a little snotty at me one time. He had quite an argument over in the Fallon courts. It was coming pretty close to the noon hour, and Andy was getting a little of the worst of it by my deciding against him on his argument. He'd bring up a point and I'd say, "I think you're not correct on that, Mr. Attorney." And along towards the last of his argument, why, he was fussing with the papers in his briefcase, and he looked at me, meaner than hell, and I said, "Mr. Haight, are you trying to show your contempt of court?"

He said, "No, Your Honor. I'm trying to conceal it." And he started to laugh.

I said, "Well, that's all right, but I thought you were meaning it, Andy."

"No," he said. "Believe me, I wouldn't do that to you or any other judge." He said, "I think I'm a gentleman." (But that quick, snappy answer, "No, Your Honor. I'm trying to conceal it.")

CONCLUSION

The great Greek philosopher, Socrates, said there were four qualifications for a judge: “first, to hear courteously; second, to answer wisely; third, to consider soberly; and fourth, to decide impartially.” This was of great service to me when I was a judge, and I often read it and referred to it if I had a knotty problem to perform. Wow, have I thought of those qualifications? Am I worthy of what Socrates said? I don’t think anyone ever measured up to them foursquare. I always tried to, but judges are ordinary human beings, and somehow or other, we sometimes get confused with evidence and law.

This clipping also tells a bit of my philosophy. This was on Washington’s birthday, before the Fallon Rotary Club:

Judge Guild said that the great need of this country today is more men like Clay and Webster, men who spoke their minds and were not rubber stamps for their constituents. “I hesitate to say it,” continued the speaker, “but at times it seems that our

nation has been plunged into political debauch by men who have not the temerity to speak their own minds. Tie have too many men in public life today who think one way and vote another, men who are afraid of political consequences. We must have at heart,” the Judge said in conclusion, “the interests of our children, the welfare of posterity. It is our solemn duty to hand down to those who follow us the proud heritage that comes to us from Washington and the men who brought forth this nation. We must guarantee to generations still to come the liberty that inspired the founders of this great nation. In the revolutionary days when Washington was faced with problems that sorely tried his manhood, so the United States today again faces times, which, in the words of Paine, ‘try men’s souls,’ when men need to be men to understand the onslaughts upon their courage and confidence.”

A few months ago, I' had occasion to go over to the supreme court to listen to the inauguration of Cameron Batjer and Judge Mowbray. It was one of the most delightful occasions of that kind that I have ever attended, and I have seen many young men sworn into the supreme court. First the governor of the state spoke about choosing these two men for their character and ability. Then Jack Diehl, president of the State Bar Association, followed through. Then Peter Laxalt, president of the First Judicial District followed, then George Franklin, district attorney from Las Vegas followed on behalf of Mowbray; Judge Gregory of Carson City spoke on behalf of Cam Batjer, and Judge Craven spoke for them both—and their long acquaintances. And every one of them were very beautiful talks. My son, Clark, spoke for both of them at the conclusion.

I was deeply honored when Chief Justice Gordon Thompson looked down and saw me sitting amongst the dignitaries and said, "The presence of Judge Guild, who's always been present at these ceremonies, is certainly a pleasure for all of us today. He was one of the most distinguished lawyers and judges that Nevada ever produced, and he has a son who is following in his footsteps, and we will now hear from that son, Clark, Jr."

I think that was one of the finest things of its kind I have ever attended, because, as I looked up on that bench, every one of those gentlemen up there, and every one of the speakers, except my son, had practiced in my court at some time or other. All of them had practiced in my court at some time or other, except Mowbray, but I had gotten acquainted with him shortly after I retired. It was one of those things that wouldn't happen to anyone else down through history.

You asked me what would be the outstanding thing of my life—my wonderful

dad and an angel mother. I learned the hard way because I was the baby of eleven children, but it was always done in the right way. And I mean by that, we youngsters had to help. We boys gathered the wood in the summertime for the winter. The sisters helped Mama with all of her kitchen duties, the washing and ironing, and all of those things.

Oh, I'll have to say this, too. I think one of the highlights in my life was having good teachers. They always took an interest in me, and I loved every one of them. I think Margaret Mack was my favorite, who was afterward Dean of Women at the University of Nevada. I remember one time, I was district attorney of the county, and I was called to Dayton to talk to the graduating class that year, and Margaret was present. I gave a short talk—gave them what I called "good advice." Maybe some was taken and some wasn't. She come up to me and said, "You've never forgotten. I can't do it; I'm paralyzed when I get up to talk. And you, you're just as unconcerned as anything. How do you do it?"

And I said, "I don't know, except *you* taught me to do it." And she did: "Don't be in a hurry. Think." She also wrote to me one time:

Clark:

No man is born into the world
whose work is not born with him;
there is always work and tools to work
withal, for those who will.

Sincerely your friend,

Maggie E. Mack

Jan. 14, 1903

I also felt a great satisfaction when I received an Honorary Doctorate of Jurisprudence from the University of Nevada an 1960.

People were exceptionally kind to me, and I owed it a duty to them. I owed it a duty

to do a good job and to know that I was a public servant. And I never forgot the fact that I was a public servant from the time I was a recorder to the time I was a district judge, and all the time I was district judge, I owed something back to the people who had been kind to me. They had confidence in me and I wouldn't destroy that confidence for anything on earth—it was dear and sacred to me. And of the things I did in court, I did with a clear conscience. I studied my cases. I didn't "potshot" them at all, and I gave them every consideration.

The first case I had was the hardest, I think. I learned a lesson from that, too, a deep, sincere lesson, when I decided against one of my good friends and his attorney, who had worked for me as a judge. He leaned over and said, "That's the kind of judge we want you to be." I gave them the reasons, and it learnt me the deepest and the best lesson that I ever had in all the years that I was judge. You do your duty with a clear conscience and let the chips light where they fall.

There's lots of outstanding things all down through sixty-one years of public life, but I can justly and proudly say that the things that fell upon my shoulders were not very easy at times. Some of them, in part, were friends, and they didn't look to me as a friend. They looked at the wrong person if they did, because I never decided a case that way.

My married life has been wonderful. I married a beautiful girl, the children's first mother. She was popular and a wonderful musician. Unfortunately, she died of cancer of the throat when Marjorie was fourteen and Junior was only nine. Today I'm married to a very fine woman, Lennan, who has been married before. She lost her husband, Mr. Allen. She worked at Pozzi's Auto—she spent many years as a Ford accountant and was working for Pozzi's when I used to take

my car down there for service. That's how I got acquainted with her, and it stuck. And we get along wonderfully—just a wonderful girl. She has a nice family—she has a son, married, with two children, so instead of nine grandchildren, why, I have eleven, and two great-grandchildren.

No one could have had, in all their lives, the devotion that my children have given to me. I say that for Marjorie and Clark; they look after me at times like I was a baby, which I am not. And if Clark is in New York or Los Angeles or Las Vegas, and has been gone two or three days, it's a long-distance call. "How are you feeling?" I say that with pride and joy. No one ever had better devotion than my children have given me. I only hope that I live a lot of years yet to show my appreciation to them and the others.

I've received many, many wonderful compliments as the father of the Nevada State Museum from many people. I've always been glad that I was in a position to have the dream that I had, to start the museum. I couldn't have done it alone. No one could have accomplished the establishment and the bringing of the museum into being by themselves. I think my public career, and the confidence of the people of the state of Nevada and my community's had for me served me well at this particular time because the whole state of Nevada got behind me in this—the legislature, all of the service clubs, all of my friends in every walk of life. It never could have been accomplished if I hadn't of had that dream first, and all of these wonderful friends working with me to make that dream come true.

APPENDIX:
LETTER FROM JUDGE GUILD
ABOUT CAMPAIGN DONATIONS

Copy of the reply Judge Guild made when he found out about attorneys and judges giving money to support his opponent in supreme court election.

It has just come to our attention that some of the attorneys whose names appeared in a recent issue of the two Reno papers as endorsers of the candidacy of one of the aspirants to the office of Supreme Judge have contributed money to further the candidacy of that aspirant, and that, among others, the attorneys who are the legal representatives of the Southern Pacific Railway Company in this state likewise contributed a sum of money to further the interests of this particular candidate.

As citizens who are perhaps expected or presumed to know nothing about the law or the propriety of such things, we, the undersigned, ask the persons we have referred to whether it is true that they have

contributed and whether they have cases pending in the supreme court of this state at the present time.

We would also appreciate an expression of their views as to whether or not, as lawyers, they consider contributions to a judicial candidate as a square deal to the public.

Dated at Reno, Nevada,
November 2, 1928.

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